

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL- TONY VELEZ,

Plaintiff/ Petitioner

- against -

C. PAREDEZ, Individually and in
his official Capacity as Parole Officer;
COLLADO, Individually and official
Capacity as Superintendent;
S. DEVILN-VARIN, and JOHN and
JANE DOE, Individually and their
Official Capacity as RN's;
BODROGI, and JOHN and JANE DOE
Individually and their Official
Capacity as MD's;
MORLEY, Individually and Official
Capacity as MD;
C. GREGORY, Individually and
Official Capacity as IBRC Supervisor;
MALLOZZI, Individually and official
Capacity as IBRC Director;
NEW YORK STATE BOARD OF PAROLE;
MANHATTAN II, III & IV, JOHN and
JANE DOE, Individually and Official
Capacity as Parole Commissioners.

Defendants.

COMPLAINT
JURY TRIAL
DEMAND

Civil Action NO. _____

JURISDICTION AND VENUE

1) This is a civil Action authorized by 42 U.S.C. §1983

and §1985, to redress the Continued deprivation under color of Law, of Rights secured by the Constitution of the United States, and the State of New York. This Court has Jurisdiction under 28 USC §1331 and §1343. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. §2201 and §2202. Plaintiff's claim for injunctive relief are authorized by 28 USC §2283 and §2284 and Rule 65 of the Federal Rules Civil Procedure:

2) The Southern District of New York, is the appropriate Venue under 28 USC §1391 as it is where the Conspiracy under 42 USC §1985 Started and Continues to the present date, and is where the events giving rise to this Complaint occurred.

PLAINTIFF

3) Plaintiff, Michael Tony Velez, is a Born U.S. Citizen, and is/was a prisoner of the State of New York, either on Parole in Manhattan II, III, IV, at 314 West 40TH Street, New York N.Y. or Confined In the Department of Correction and Community Supervision either at Downstate C.F., Green Haven C.F., Clinton C.F., Elmira C.F., Auburn C.F., Great Meadow C.F., Southport C.F., or Shawangunk C.F.. Plaintiff's physical address is 257 Central Park West, New York, N.Y., Plaintiff's mailing address is P.O. Box 2000, Dannemora, N.Y.

DEFENDANTS

4) Defendant C. Paredes, was or is a Parole Officer

at Manhattan II, III, IV at 314 West 40TH Street, New York, N.Y.;

5) Defendant Collado, was or is the Superintendent at Shawangunk C.F. P.O. Box 700, Wallkill, N.Y.;

6) Defendants S. Deviln-Varin, and John and Jane Doe RN, were or are RN's at Clinton C.F. P.O. Box 2001, Dannemora, N.Y.;

7) Defendants Bodrogi, and John and Jane Doe are MD, Medical Tech's, or some other Medical designation(s) at Clinton C.F. P.O. Box 2000, Dannemora, N.Y. or address not known;

8) Defendant Morley, is or was an MD at 1220 Washington Avenue, Albany, N.Y.;

9) Defendant C. Gregory, is the IGRC Supervisor at Clinton C.F. P.O. Box 2000, Dannemora, N.Y.;

10) Defendant Mallozzi, is the IGRC Director at 1220 Washington Avenue, Albany, N.Y.;

11) Defendant New York State Board of Parole and its Commissioners are located at 97 Central Avenue, Albany, N.Y.;

12) Defendants Manhattan II, III, IV John and Jane Doe is located at 314 West 40TH Street, New York, N.Y.;

13) Each/All Defendant is Sued Individually and in their Official Capacities as MD (Medical Doctors), Parole Officers (P.O), Parole Commissioner(s), Register Nurse(s) (RN), Inmate Grievance Resolution Committee (IGRC) Supervisor and Director, and Superintendent. At all times Mentioned in this Complaint each/all Defendant, acted, and Continue to

act under Color of State Law.

FACTS

14) In July 2002, Defendant Paredes, informed Plaintiff, that whatever, Plaintiff is doing, Plaintiff is in the right, but he is doing it to the wrong People, as several NYPD agencies are pushing him and his Supervisor to Violate Petitioners Parole, without any reason.

15) On 16 July 2002 Defendant Paredes, was informed that Plaintiff allegedly assaulted 3 NYPD officers, and was provided their names see Exhibit (A), yet, Plaintiff was charged at Trial with 3 other NYPD officers.

16) On 29 May 2003, the Trial Jury did not Convict Plaintiff of any assault against the Criminal J. Boorman, yet, it is Boormans, Injuries, testimony, and Defendants New York State Board of Parole Commissioner(s) have even converted Boorman as the Victim, In total disregard to Plaintiffs Jury Trial Guarantee, and have continued to use Boorman, as the basis of their continued denial of Plaintiff's Parole.

17) On September 2017, Defendant New York State Board of Parole, denied Plaintiff and all non Rapist and all non White save the openly Gay one, Parole, Utilizing the very same reason for denial, Clearly demonstrating their predetermination.

18) On or about April 2019, Plaintiff was arbitrary and

Capriciously transfered From Elmira C.F. to Shawangunk C.F. In order to Fabricate Misbehavior Reports to Justify the Defendants New York State Board of Parole continued Sentencing of Plaintiff.

19) Plaintiff, had about 5 (Five) years without a single Misbehavior Report, and Defendant Collado, with First hand knowledge of all the Fabricated reports and retaliation For the Filing of Grievances, disregarded her sworn duty and obligation, and Choose to assist Defendant Parole Commissioners in their each/all arbitrary and Capricious actions.

20) On September 2019 Plaintiff went before the Parole Board at Shawangunk C.F. and only the Rapist were granted Parole, again on November 2019 Plaintiff went before the Parole Board, and objected to the use of Boorman, his injuries and testimony, once again all the Rapist were granted Parole and non Rapist denied.

21) Defendant Collado, allowed her officers to Fabricate Multiple Misbehavior reports in order to assist Defendants John and Jane Doe New York State Parole Board in their predetermined arbitrary and capricious actions, disregarding her duty and Plaintiffs Constitutional Rights. Plaintiff was in her High Classification unit, which was under 24 Hour Video and Audio Monitoring and recording. Recording everything in the unit, and Defendant made weekly rounds, and Plaintiff addressed her personally as to her officers actions and her inactions

and the arbitrary and capricious actions being taken against Plaintiff see Exhibit (B);

22) Defendant S. Deviln-Varin, John and Jane Doe, in retaliation for Plaintiffs refusal to provide Blood, and For the filing of Grievances has, had the Plaintiff placed in Special Housing Long Term Keep Lock, without a Misbehavior Report nor Sanctions since 10 August 2021, under the guise of an alleged T.B. hold, and have assisted Defendants in their denial of Parole to Plaintiff and keeping Plaintiff confined without Due Process, arbitrary and capriciously violating Plaintiffs right against Cruel and unusual punishment.

23) Defendants John and Jane Doe RN, have all assisted Defendant Deviln-Varin, in her arbitrary and capricious violation of Plaintiffs Constitutional Rights and continue to do so under the guise of an alleged T.B. Hold, with knowledge Plaintiff tested Negative on 23 September 2021.

24) Defendant Bodrogi, and John and Jane Doe together with Defendant Morley, arbitrary and capriciously had Plaintiff placed in OBS on 22 September 2021 to 22 October 2021 under the guise of T.B. and arbitrary and capriciously denied Plaintiff;

a) Clean Clothes From 22 September 2021 to 22 October 2021;

b) Shampoo, Deodorant, toothpaste, Comb, or Brush

From 22 September 2021 to 22 October 2021:

c) Access to Law Library From 22 September 2021 to 22 October 2021;

d) Access to the Courts, and denying Plaintiff the opportunity to Appeal an Arbitrary and Capricious Order of the New York County Court;

e) Writing, Calling, texting Family, Friends only allowing interfacility mail From 22 September 2021 to 22 October 2021;

f) T.V., Radio, or Kiosk or any form of Communication From 22 September 2021 to 22 October 2021;

g) Commissary From 12 August 2021 to present;

h) My Obligatory Jewish Holy Days of Sukkot, Rosh Hashanah, Fast of Gedaliah, Yom Kippur all Religious Services and Continue to do so;

i) Parole Board in September, October, November December 2021 and Continue to do so.

25) On 23 September 2021, Defendants Deviln-Varin, John and Jane Doe RN, Bodrogi, John and Jane Doe MD's and Morley, knew that Plaintiff did not and does not have T.B.. Yet arbitrary and capriciously confined Plaintiff in OBS For 31 days, and Continue to have Plaintiff confined in special Housing Long Term Keep Lock, with not a single privilege allowed all those in special Housing and Keep Lock.

26) Plaintiff, had Both a chest X-Ray and Spit

samples taken, all of which came back negative for T.B. as Defendants each/all refuse to provide Plaintiff with the actual T.B. Test, yet with knowledge of Plaintiffs negative status, Plaintiff remains in SHU-Long Term Keeplock with loss of Commissary, Visits, Daily Phone, Parole and every single privilege all those on actual Keeplock and SHU are Mandated and allowed by Law.

27) Defendants each/all have conspired to deny Plaintiff parole, and from 21 September 2021 have arbitrary and capriciously postponed Plaintiffs review under the guise of T.B. Hold or other fabricated reasons, yet on 25 January 2022, the Block C.O escorted Plaintiff to the Televised Parole Hearing, and Defendant Parole Commissioners refuse to conduct a hearing informing Plaintiff they will adjourn his hearing until July 2022, in clear violation of Plaintiffs Constitutional right to the equal protection of the Law, as New York State only allows a 24 Month sentence per appearance, thus far its 29 Months without a hearing. All of which equal Cruel and Unusual Punishment.

28) Its a fact Plaintiff attended a Tier III hearing on 27 October 2021 see Exhibit (D), and Plaintiff was allowed to see RCII D. Devereaux on 19 November 2021 at her Office, yet continues to be denied Arbitrary and Capriciously from attending a Televised Hearing.

29) Defendant Gregory, has conspired and continue

to Conspire with Defendants each/all to Violate Plaintiffs Constitutional Rights, and Continues to do so, refusing to File Grievances, Submitted by Plaintiff, and Covering up the actions of Staff all of which is to assist Defendants each/all New York State Board of Parole and its Commissioners John and Jane Doe. see Exhibits (E)

30) Defendant Mallozzi, has conspired with each/all Defendant to Violate Plaintiffs Constitutional Rights and have Continued to Violate Plaintiffs Constitutional Rights under Color of Law, in Clear Violation of the Constitution and the Law, and having her Violations include having her agent Supervisors disregard Grievances, cover up acts of Crime and Constitutional Violations and disregard her and their duty in Violation of Plaintiff Constitutional rights, and Continue to do so.

31) Defendant John and Jane Doe MD, were aware, and are aware that Plaintiffs Constitutional rights continue to be Violated, and were Violated on 22 September to 22 October 2021, and did nothing to stop said Violations of the Law and Constitution.

32) Plaintiff was denied Kosher Meals, Rec. Phone Calls, Shower and Food, as the officers tried to get Plaintiff and other inmates into a physical altercation to Justify Defendants Continued actions.

33) Defendants New York State Board of Parole, John and Jane Doe, have gone as far as putting as a condition

Submitted 20 February 2020 against Defendant Collado, B-3 Grievance Appeal to Superintendent, B-4 Appeal to Defendant Mallozzi, B-5 Defendant Mallozzi's answer, B-6 Retalitory Misbehavior Report, B-7 Defendant Mallozzi reply to Grievance For Retaliation For Grievances, B-8 alleged Contraband, Fabricated Report, Disposition, Appeal to Acting Commissioner Annucci, B-9 Grievance For Denial of Religious Services, B-10 Defendant Mallozzi reply to another Grievance for denial of Religious Services.

3) Exhibits "C" is copy of Grievance and Appeals and Reply For Complaint Filed against Defendant Devlin-Varin, and reply by Defendant Mallozzi.

4) Exhibit "D" Consist of Misbehavior Report by Defendant Bodrogi.

5) Exhibits "E" Consist of the Following; E-1 Letter of Complaint to The New York State Commission of Correction, and reply. E-2 Grievance Filed 30 June 2021, and letter in reply to Copy Sent to The New York State Commission of Correction. E-3 letters to NYS Commission of Correction dated 2 July 2021. letter to Office of The Inspector General dated 2 July 2021, and letter of Grievance submitted to Anthony Annucci, Acting Commissioner dated 2 July 2021. E-4 Copy of Grievance, Appeal and Reply, and reply by the NYS Commission of Correction. E-5 Copy of Grievance, Appeal and Reply. E-6 Copy of Grievance.

of Plaintiffs parole, that Plaintiff will allegedly "cooperate with all Medical referrals and treatment recommendations". See Exhibit (F) at SC18.

34) Defendants New York State Board of Parole go further in Violating Plaintiffs Constitutional Right to Jury Trial Guarantee, by converting the Criminal Joseph Boorman into the Victim see Exhibit (F) at SC15.

35) Its a Fact Plaintiff had a Jury Trial, whom never ruled Boorman a Victim, never ruled his testimony Fact, thus all alleged injuries, all testimony even the use of this Criminals name Violates and Continues to Violate Plaintiffs Constitutional Rights.

EXHAUSTION OF LEGAL REMEDIES

36) Plaintiff used the Prison Grievance procedure, The New York State Commission of Correction, Acting Commissioner Annucci, Superintendent Bell, Superintendent McIntosh, to try and resolve and stop the continued Constitutional Violations to no avail, as follows:

1) Exhibit "A" is a true copy of Defendant Paredes Parole Violation Form which clearly identifies the alleged NYPD officers allegedly assaulted, clearly not the ones Plaintiff was charged with;

2) Exhibits "B-1 to 10" Shows Plaintiffs B-1 letter to Acting Commissioner Annucci, B-2 Grievance Complaint

6) Exhibit "F" Defendants NYS Board of Parole Recommended Special Conditions.

7) Exhibit "G" consist of Letter of Appeal Sent to Defendant Mallozzi dated 21 June 2021 as Exhibit G-1. letter dated 31 January 2022 G-2. with attached Grievance, and letter to NYS Commission of Correction and Reply From Same.

8) Exhibit "H" consist of Grievance, letter to the NYS Commission of Correction, and Reply From NYS Commission of Correction listed as H-1, H-2 and H3 respectively.

9) Exhibit "I" consist of letter to Defendant Morley.

LEGAL CLAIMS

37) Plaintiff reallege and incorporates by reference paragraphs 1 through 36.

38) The Facts demonstrate that on 16 July 2002 Defendant Paredes, was informed that Plaintiff allegedly assaulted NYPD officers John Holland, Maince Hernandez and Sgt. Boorkman, see Exhibit "A". all 3 officers, were or are with the NYPD. Hernandez, was forced to retire do to his Criminal acts coming to light upon the arrest of Julio Vazquez. Defendant Paredes, with knowledge of these being

the alleged officers assaulted conspired to hide this Fact From the Court, Trial Jury and Plaintiff, and did hide this Fact, as Plaintiff was charged with the alleged assault against NYPD officers Badagliacca Mele and Boorman, Boorman was also forced to retire do to his Criminal actions coming to light on the arrest of Julio Vazquez. Defendants actions deprived Plaintiff of his Constitutional Right to Confront My accuser's, and Due Process of the Law, and Continue to do so, by having had Plaintiff Continued denial of Life and Liberty.

39) The Facts Demonstrate Defendant Collado, did conspire with Defendants NYS Board of Parole, and did allow her Officers to Fabricate False reports and retaliatory reports for the Filing of Grievances in order to assist the NYS Parole Board in their each/all predetermined arbitrary and capricious denial of Parole to Plaintiff, antagonizing Plaintiff and denying not only Parole But My Jewish Services, as demonstrated in Exhibit "B-1 to B-10" In Violation of Plaintiffs Constitutional right against Cruel and unusual punishment, Freedom of Religion, Equal Protection of the Law, and Freedom from cruel and unusual punishment, Plaintiff spoke to Defendant Collado on Video at least once a week, complaining to her, about her

officers actions, to which she informed Plaintiff that she knew everything, with a smile on her face, and further stating "You don't know what is going on", clearly meaning they need paper work to justify Plaintiffs continued confinement, as Plaintiff did not have a single Misbehavior Report in about Five (5) Years. And having Plaintiff go before a hearing officer the state court made clear should never conduct hearings as he made clear he will find everyone guilty as his officers do not lie.

40) The facts demonstrate, Defendant Deviln-Varin continues to violate Plaintiffs Constitutional right to the free exercise of Plaintiffs Religion, and has conspired with Defendants, New York State Board of Parole together with Defendants John and Jane Doe of Manhattan II, III & IV, in their arbitrary and capricious refusal to grant Plaintiff a parole hearing in total violation of State Law, clearly denying Plaintiff's Constitutional right to freedom of Religion, Due Process and to be free of cruel and unusual punishment, all under the guise of a T.B. Hold when it was clarified on 22 October 2021 Plaintiff was negative for T.B.

41) The facts demonstrate, Defendant Bodrogi, has continued to conspire with Defendants NYS Board of

Parole in their arbitrary and capricious actions, denying Plaintiff a Parole Hearing thus far Seven (7) Months over that allowed by State Law, Violating Plaintiff's Constitutional Rights and Protections to Due Process of Law, the Equal protection of Law, Religious Freedom, and Freedom from cruel and unusual Punishment, all rights guaranteed to Plaintiff as a Born United States Citizen, Violating Same under the guise of T.B. Hold, Exhibit "D" is a Misbehavior report, Plaintiff forced Defendant to write in order to prove Plaintiff was arbitrary and capriciously placed in the Hospital from 22 September to 22 October 2021, Plaintiff was forced to do this on learning that while on T.B. Hold at Southport C.F. whom refused to give Plaintiff the actual T.B. test no documentation to said T.B. Hold was documented.

42) Defendants each/all have conspired to violate Plaintiff's Constitutional Rights, and continue to do so by use of fabricated Misbehavior Reports, attempting to have gang members and Plaintiff get into physical confrontation, which Plaintiff and those gang members made clear on the video monitor we will not fall into. Exhibits E-1 to E-6 demonstrate grievances filed, with the facility, with the NYS Commission of Correction, with Acting Commissioner Annucci, against Defendants Gregory and Mallozzi. Grievance Appeals and reply.

43) Defendants John and Jane Doe N.Y.S. Board

of Parole have conspired and continue to conspire with Defendants each/all in arbitrary and capriciously violating Plaintiff's Constitutional Right, To trial by Jury as Demonstrated by Exhibit "F" at paragraph "SC15" in which they State "Victim Joseph Boorman". Clearly the trial Jury acquitted Plaintiff of this Criminal, his testimony and everything related by him, yet defendants use his alleged injuries, his testimony, and now make him the Victim, and have consistently used his testimony and alleged injuries to justify the continued denial of Plaintiff's Parole.

44) Defendants NYS Board of Parole, were obligated under NYS Law to conduct a parole hearing on 21 September 2021, and have refused to do so in violation of established Mandatory Law, and have conspired with Defendants Each/All to do so as demonstrated by Exhibit "F" paragraph "SC18" Making a Condition of Parole "I will cooperate with all Medical referrals and treatment recommendations" Clearly all Medical treatment is Confidential has nothing to do with Parole, unless its a Medical Parole Release, which Plaintiff is not qualified for nor ever requested.

45) Defendants Gregory and Mallozzi, have conspired with Defendants to violate Plaintiffs Constitutional rights and have continued to do so covering up the acts of Defendants each/all, refusing to file Grievances

refusing to investigate Grievances, all of which is Factually documented on Video and audio, and Continue to assist Defendants each/all in their arbitrary and Capricious Violations of Plaintiffs Constitutional Rights. See Exhibits G-1 and G-2.

46) Defendants Gregory and Mallozzi, with clear knowledge that Defendants Devlin-Varin, Bodrogi, and Morley, had Plaintiff placed in Special Housing on 10 August 2021 in retaliation for Grievance No. CL-0542-21, and further placing Plaintiff in OBS-3 a filthy Hospital Room with dried blood in the toilet black dirt all over the edge of the entire cell, and denied from sending legal mail, regular mail to family or friends, denied a change of clothes, shampoo, deodorant, phone calls, recreation, radio, T.V., commissary, religious books, from 22 September 2021 to 22 October 2021 under the guise of T.B. and upon all test coming back negative, released Plaintiff from the cruel and unusual confinement of the Hospital, and had Plaintiff once again placed in Special Housing under the guise of T.B. Hold, denying Plaintiff of daily phone calls, visits, commissary, Parole Board Hearing and all liberty interest afforded General Population, this without a Misbehavior Report, and Defendant Mallozzi. Stated Defendants can do this, clearly in violation of all laws and policies

and procedures governing placement in Special Housing, it's a Fact all prisoners serving sanctions that do not have loss of Commissary receive a Full Commissary buy, and those in the unit the Isolated Special Housing receive a \$5.00 Food buy a Month. Plaintiff has been denied everything allowed those with actual sanctions, for no reason other than to Violate Plaintiffs Constitutionally protected rights and Defendant Gregory refuses to File Plaintiffs Grievance as demonstrated in Exhibits "H-1 to H-3"

47) Defendant Morley, has conspired with Defendants each/all, and has arbitrarily and capriciously had Plaintiff placed in Special Housing since 10 August 2021 and continuing, in order to assist Defendants NYS Board of Parole, Manhattan II, III & IV in their arbitrary and capricious actions in denying Plaintiff a Parole Hearing. Clearly if Plaintiff can attend a Tier hearing in person, be placed in a holding cell with General Population prisoners, see Dental, see MHU personnel all in person, there is no justifiable reason Plaintiff cannot attend the unlawful Televised Parole Hearing. The Law Mandates Parole Hearings be in person, but Defendants do not do in person Parole Hearings, they do them via T.V. Vides. The placement of Plaintiff in OBS was cruel and unusual Punishment, Hospitals

in Third World Countries do not put patients under the cruel and unusual conditions Plaintiff was placed in under the guise of Medical treatment, conditions no other prisoner in the Medical unit were subjected to. But, Plaintiff was and is being subjected to this cruel and unusual punishment by Defendants see Exhibit "I-1", and this under color of law, in clear violation of Plaintiffs Constitutional rights.

PRAYER FOR RELIEF

48) WHEREFORE, Plaintiff prays that this Court enter Judgment Granting Plaintiff:

49) A declaration that the acts and omissions described herein Violated, and Continue to Violate Plaintiffs Rights Guaranteed under the United States Constitution, and the laws of the United States.

50) Order a preliminary and permanent Injunction ordering Defendants to remove Plaintiff from the unconstitutional placement in Special Housing and placing Plaintiff in General Population, and stop their arbitrary and capricious actions against the Plaintiff.

51) Order a preliminary and permanent Injunction Ordering Defendants to provide Plaintiff to an

immediate Parole Board Hearing, and Ordering that the Criminal Boorman's testimony, and alleged injuries not be used, as it Violate Plaintiff's Jury Trial Guarantee, and all testimony related to the Subway Platform. was given by Boorman and the Plaintiff.

52) Order Compensatory damages in the amount of \$5,000,000.00 From each/all Defendant, jointly and severally.

53) Order Punitive damages in the amount of \$1,000,000.00 against each/all Defendant respectively.

54) Order Compensatory damages in the amount of \$150.00 per day For each and every day Plaintiff continues Confined in Special Housing in Violation of the Constitution and established laws of this Court.

55) Order Plaintiffs Cost and Attorney Fees in this suit.

56) Order a Jury Trial on all issues triable by Jury.

57) Any/All additional relief this Court

may deem just, proper and equitable.

DATED: 18 MARCH 2022

RESPECTFULLY SUBMITTED

Michael Tony Velez
MICHAEL-TONY VELEZ

03A6481

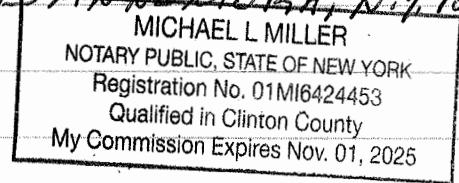
SWORN TO BEFORE ME THIS

P.O. Box 2001

18 DAY OF MARCH, 2022

~~DANNEMORA, N.Y. 12929~~

[Signature]
NOTARY PUBLIC



ITEMIZED LISTING OF EXHIBITS A TO I Pages 1 to 78

EXHIBIT "A-AI" Defendant Paredes Crono Notes dated: 7-18-02 pages 1 and 2;

EXHIBIT "B-1" Letter dated 20 February 2020 to Acting Commissioner Annucci; "B-2" Grievance against Defendant Collado; "B-3" Grievance Appeal to Superintendent; "B-4" Grievance Appeal to Defendant Mallozzi; "B-5" Defendant Mallozzi; reply to Grievance; "B-6" Retalitory Misbehavior Report for Filing Grievance Complaint; "B-7" Defendant Mallozzi; reply to Grievance Complaint for False Report; "B-8" Fabricated Contraband Report, Misbehavior Report and Appeal; "B-9" Grievance Denial of Religious Rights; "B-10" Defendant Mallozzi; reply to Appeal, pages 3 to 25

EXHIBIT "C" Grievance against Defendant Deviln-Varin, for Denial of Medical Attention to Serious Medical needs and threats, Appeals and Defendant Mallozzi; reply, pages 26 to 29

EXHIBIT "D" Misbehavior Report by Defendant Bodrogi, pages 30 to 31

EXHIBIT "E-1" Letter to New York State Commission of Correction, dated June 8, 2021 and reply, "E-2"

Grievance for denial of Recreation, Mandatory Phone Call and Showers dated 30 June 2021 and reply letter from New York State Commission of Correction, "E-3" letter to New York State Commission of Correction addressing the fact that Defendant Gregory refuses to file submitted Grievance dated 2 July 2021, letter to Office of the Inspector General dated 2 July 2021, and Grievance complaint against Defendants Gregory and Mallozzi, sent to Acting Commissioner Annucci dated 2 July 2021, "E-4" Grievance for denial of Recreation for 30 days dated 7 July 2021 and Appeal, and Defendant Mallozzi reply, and New York State Commission of Correction reply which consist of 2 letters dated July 14, 2021, "E-5" Grievance dated 11 August 2021 for being placed in Special Housing for refusal to give blood, Appeals and Defendant Mallozzi reply upholding placement in Special Housing, "E-6" Grievance dated 17 September 2021 for being placed in Special Housing and being deprived of Commissary, Kiosk and Phone Calls. pages 33 to 57

EXHIBIT "F" Parole Boards ORC Recommended Special Conditions, page 58


EXHIBIT "G-1" Letter dated 21 June 2021 to Defendant Mallozzi, Appealing Grievances Defendant

Gregory refused to file, "G-2" letter dated 31 January 2022 to Defendant Mallozzi; Appealling Grievances Defendant Gregory refused to address and file and copy of Grievance dated 25 September 2021, letter dated 31 January 2022 to New York State Commission of Correction and reply to same which consist of 2 letters dated February 16, 2022, pages 59 to 66

EXHIBIT "H-1" Grievance filed 22 October 2021 addressing The Retaliatory actions of Defendants and Constitutional Violations of Plaintiff continues to suffer, "H-2" letter to New York State Commission of Correction dated 10 January 2022, "H-3" reply from New York State Commission of Correction, which is 2 letters dated February 2, 2022 pages 67 to 73

EXHIBIT "I-1" Letter dated 3 March 2022 sent to Defendant Morley, addressing his arbitrary and capricious actions, letter dated 3 March 2022 sent to New York State Commission of Correction, pages 74 to 78

I, Michael-Tony Velez Affirm under penalty of perjury that this consist of a True listing of all attached Exhibits A-TO-I dated 18 March 2022


MICHAEL-TONY VELEZ

continuation page

CHRONO NOTES

This report for the period

to

AREA: MANTH NYSID: 4072144 NAME: ORTIZ, ANTONIO

INSTRUCTIONS: ~ Contacts are to be SUMMARIZED to ensure an on-going picture of the releasee's adjustment on Parole supervision including the releasee's adherence to the Supervision Plan.

~ A case summary discussing the releasee's adjustment on Parole Supervision, including any updates to the Supervision Plan is to be written after the last contact entry for a given chrono period.

| Date | Time | Contact Type | Contact Summary | Next Report | SPO Cont Date |
|---------|------|--------------|---|-------------|---------------|
| 7/16/02 | | | ARREST NOTIFICATION - SUBJECT IS ARRESTED ON 7/16/02 AND CHARGED ASSAULT AGAINST 3 POLICE OFFICERS. | | |
| 7/16/02 | 7PM | TT | THIS OFFICER SPOKE POLICE OFFICER FROM JOSE RODRIGUEZ FROM NYPD TRANSIT TASK FORCE - HE INDICATED THAT THE SUBJECT WAS ARRESTED FOR ASSAULTING THREE POLICE OFFICERS AFTER BEING OBSERVED BY A POLICE SERGEANT CHASING ANOTHER INDIVIDUAL WITH A KNIFE AT THE 42ND ST. AND 8TH AV. SUBWAY STATION. THE THREE OFFICERS ARE OUT ON DISABILITY DUE TO THE INJURIES THE OFFICERS INCURRED ARE OFFICER JOHN HOLLAND, OFFICER MAINCE HERNANDEZ AND SGT BOOKMAN. (TEL (212) 239-2220 (212) 239-3012 | | |
| 7/17/02 | | CONF | CASE CONFERENCE SPO J. GUEGANI WARRANT #376727 ISSUED | | |

Parole Officer (Print) CLAUDIO PAGEDISignature Claudio PagediDate: 7/18/02

Senior Parole Officer (Print)

Signature

Date:

CODES: P = Parolee N = Negative O = Other Person X = Emp Verif Z = Prog Verif U = Urine
 Office: OP IO FTR DICT CONF TT TF LT LF Field: HV EV OV SUR LE PV Hearing: PH FH
 White - Field Folder Yellow - PARMIS/Central Files Pink - Parole Officer
 Form 2509b (Rev. 5/95)

7/15/02

Since his/her release, the above named individual has violated the Conditions of Release in the following manner:

- CHARGE #1: The subject violated Parole Rule #8 in that on 7/15/02, at approximately, 21:52 hrs. at West 45th St. and 9th Ave., NYC, NY, he was in Possession of Marijuana.
- CHARGE #2: The subject violated Parole Rule #8 in that on 7/15/02, at approximately, 13:30 hrs. at 42nd St. and 8th Ave. subway station, N.Y.C., he assaulted three (3) police officers.
- CHARGE #3: The subject violated Parole Rule #8 in that on 6/16/02 at approximately, 13:30 hrs. at 42nd and 8th Ave. subway station, N.Y.C., he was in possession of a knife.
- CHARGE #4: The subject violated Parole Rule #8 in that on 6/16/02 at approximately, 13:30 hrs. at the 42nd St. and 8th Ave. subway station in N.Y.C., he resisted arrest.
- CHARGE #5: The subject violated Parole Rule #8 in that on 7/16/02 at approximately, 13:30 hrs. at the 42nd St. subway station, he committed the criminal act of Menacing.
- CHARGE #6: The subject violated Parole Rule #8 in that on 7/16/02 at approximately, 13:30 hrs., at the 42nd St. subway station in NYC, he was in Possession of Cocaine.
- CHARGE #7: The subject violated Parole Rule #12 in that on 7/15/02 at approximately, 9:52 p.m., he was not at his approved residence of 560 Islam Ave., Apt. 1-G, NYC, NY, therefore, he was in violation of his curfew of 9:00 p.m. to 7:00 a.m., seven (7) days a week.

POSSIBLE WITNESSES:

P.O. John Holland
P.O. Maince Hernandez
Sgt. Boorkman
P.O. Melee

POSSIBLE EVIDENCE:

NYS Arrest (s) Notification Reports
NYPD Arrest Report
NYPD Property Vouchers
NYPD Lab Report
Certification of Conviction

2

E

20 FEBRUARY 2020

MICHAEL VELEZ

03A6481

P.O. BOX 2000

DANNEMORA, N.Y. 12929

ANTHONY ANNUCCI
ACTING COMMISSIONER
STATE OFFICE CAMPUS BUILDING 2
1220 WASHINGTON AVENUE
ALBANY, NEW YORK 12226-2050

Dear Commissioner Annucci:

Enclosed find a copy of my complaint against
superintendent Collado, of Shawangunk.

As you are aware, I forwarded 3 complaints related to officers
at her facility, and she has refused to address all but one, and the one
your office told her to address she has refused to respond to my appeal
and told the Grievance Supervisor to cover up the complaint against Sgt.
Malave.

I ask that you investigate this grievance, and correct the
on going violations Collado is allowing.

SINCERELY

MICHAEL VELEZ

C.C.:MTV/FILE
ENCLS.

Michael J. Long
EXHIBIT B-1

B 1

TO: GRIEVANCE COMMITTEE

FROM: M. VÉLEZ, 03A6481 D-3-5

RE: COMPLAINT AGAINST JAIFA COLLADO SUPERINTENDENT SHAWANGA C.F.

DATE: 20 FEBRUARY 2020

NATURE OF COMPLAINT:

On 30 April 2019, I was arbitrarily and capriciously transferred from Elmira C.F. to Shawangunk C.F. Jaifa Collado was the, and is the Superintendent. She has allowed her officers to invent Misbehavior Reports in order to extort Money from the Inmate Population, and my arbitrary transfer was predetermined so as to assist the Parole Board on their predetermined actions, in their trumped up Parole Hearings. Superintendent Collado allows her officers to fabricate non-existent Misbehavior Reports in violation of § 3.4. of the Employees Manual, and has a Hearing officer whom admitted in court that we are 100% wrong and his officers are 100% right which the court made clear he is unfit to do Tier Hearings.

Superintendent Collado, disregarded the Video and Audio in which the C.O. Denied me Physical Therapy, and wrote me up for refusing to sign a refusal form. She disregarded the Video and Audio in which it is clear that her officer retaliated for the filing of a Grievance, which Appeal she still has not replied to. She disregarded the Video and Audio of a totally fabricated report, which clearly shows the fabricator of the report, was not involved in anything with me and the Log Book entry showed no such entry, and as there was no such rule violation as noted yet she allowed me to be extorted. She allowed the same officer whom retaliated for the filing of a Grievance to retaliate once again, as a result of my refusal to go to the outside Hospital, as there seems to be a policy in which the C.O.s get over time pay on all medical trips, and on my refusal, her officer

Michael J. Jones
EXHIBIT B-2
[Signature]

had my cell searched, on finding no contraband. he converted my Tangerines in to wine, and she once again disregarded the fact that in over 32 years I've never received such a charge, I smoke bud and that's all I do!

Superintendent Collado, is fully aware that the entire B-1 unit is monitored via video and audio 24 hours a day, and she arbitrarily and capriciously disregards these factual records unless it's to her officers benefit. I had a heart attack and on refusing to go to the outside hospital, after listening to the C.O.'s talking about how much over time they will get and telling the Sgt. to check and see if I was "CMC-A" and if I am he can put in to go as I require a Sgt. escort. on learning that I am a CMC-A the Sgt. wrote up the paper work, and on my informing the Doctor I refuse to go the Sgt. went crazy slamming the chair and table ripping up the paper-work he did, and then telling the C.O.'s to search my cell and find something. All this once again on video and audio, which Superintendent Collado disregarded, as her officer's would have made about \$900.00 or more at time plus time and a half.

Superintendent Collado, has refused to reply to my Grievance Appeal, and on writing to learn the status of my appeals I was transferred here. I requested the status of my #49 complaint against Sgt. Molave, which she tried to cover up, and has not answered said complaint, nor any other on appeal.

Superintendent Collado is aware that the Inmate Account Clerk is robbing funds out of our accounts and allows it, as they are taking 30¢, 45¢, \$1.05, \$4.50 and so on, as over \$7.00 is missing from my account and on reviewing another's monthly statement it shows the same deductions meaning it is a fact which Superintendent Collado has allowed.

It's a fact that prior to going to Shawangunk C.F. I was 4 years without a misbehavior report and prior to the Board already

Michael - Jones
EXHIBIT B-2
JLH

B-2

had 4 Fabricated reports and 6 reports in less than 6 months, all of which Superintendent Collado knew were False reports and she allowed them to be maintained.

Superintendent Collado, would not allow me to attend any Jewish Services, and has refused to answer my Grievance appeal related to this denial.

Superintendent Collado refused to allow me to make a single phone call while on Keen lock, in violation of Correction Law, and has refused to answer my Grievance Appeal related to same.

Superintendent Collado, allowed her officers to send my package back return to sender when the policy and procedure allowed me to receive it prior to imposition of a penalty, and she has refused to answer that Grievance appeal as well.

On or about 30 January 2020 Superintendent Collado, stopped at S. Adams, cell, and in a hostile and antagonistic manner attempted to cause an argument, as she invented that he was not married to his wife. She then stopped at my cell stared at me and said she had me as well, on or about the 3rd of February 2020, and stated we are done with you now, your out.

Clearly all actions of a deranged person unfit for any kind supervisory position, granted D.O.C.s cannot discriminate against women or the mentally ill, but in the same token D.O.C.s cannot have these people in supervisory positions.

ACTION REQUESTED:

That all Video and Audio tapes be viewed and listened to, so as to verify the fact that she disregarded the factual documented records and allowed false documents to be maintained in violation of § 3.4 of the Employees Manual.

That it be noted in her record the violation of § 2.1 as her actions and in-action reflect disrespect upon the Department.

Michael J. Long
EXHIBIT B-2

B-2

That a Full investigation be conducted on Inmate account, and Find out where all the Idel pay is going as well as the Funds For the T.V. Program, as ILC Pays For 55 Channels and only receive 47 Channels.

That a Full investigation be conducted in to the abuse of out Side Medical trips to justify over time, and the retaliation For refusing to go on said Hospital trips.

That My Eye Glasses Lenses, Hot Pot, Bowl Confiscated Prior to my transfer be returned.

That all Money extorted and Robbed From my account be returned to include \$30.0% For Fabricated tickets and over \$17.0% In Idel pay never paid.

That Superintendent Collado be given a Full Mental, Physical and psychiatric examination in accordance to §4.2 of the Employees Manual to ascertain if she is Fit, Mentally and Physically Fit for an authoritative position which she presently holds.

GRIEVANTS SIGNATURE

C.C.: ACTING COMMISSIONER ANNUCCI

Michael J. Ryan
EXHIBIT B-2

B-2

Response of IGRC:

CL - 00271 -20 CODE - 50

In accordance with Directive #4040 a grievance should contain a concise, specific description of the problem and the action requested. Grievant has failed to supply such timely details for most of his allegations. In accordance with Directive #4040 Section 701.5, (a), (1).; "Filing a complaint. Time limit for filing. An inmate must submit a complaint to the clerk within twenty - one (21) calendar days of an occurrence. . . . Exceptions to this time limit may be approved by the IGP Supervisor under section 701.6 (g)."

The only timely allegation made by the grievant in this present complaint was on 2/3/20 which is only an allegation with no supporting evidence supplied by the grievant. It is at the discretion of the facility administration to review video tapes when deemed necessary. The appropriate avenue for requesting the preservation, review, or copies of video footage, audio recordings or facility records is through the Freedom of Information Law (FOIL) mechanism. It is beyond the scope of the inmate grievance mechanism to impose disciplinary sanctions upon a NYSDOCCS employee.

Date returned to offender: 3.10.20

IGRC Members:

Chairperson:

Return within 7 calendar days and check appropriate boxes. *



I disagree with IGRC response and wish to appeal to the Superintendent.



I have reviewed deadlocked responses. Pass-Thru to Superintendent.



I agree with the IGRC response and wish to appeal to the Superintendent.



I apply to the IGP Supervisor for review of dismissal.

Grievant's Signature: Michael V. [Signature]Date: 11 March 2020

Grievance Clerk's

Receipt: _____

Date: _____

To be completed by Grievance Clerk

Grievance Appealed to the Superintendent: _____

Date


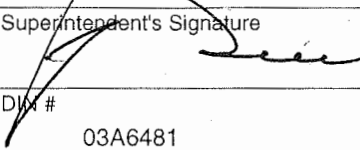
Grievance forwarded to the Superintendent for action: _____

Date

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

Michael - Tony
EXHIBIT B-3

B-3

| | | |
|---|---|--------------------------------------|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM E. BELL Superintendent | Grievance No. CL-0271-20 | Date Filed 3/4/2020 |
| | Facility Clinton Correctional Facility | Policy Designation I |
| | Title of Grievance SHW ALLEGATIONS | Class Code 50 |
| | Superintendent's Signature  | Date 3-31-20 |
| Grievant: VELEZ, M | DM # 03A6481 | Housing Unit: D-3-5 D-2-27 |

Grievant makes numerous allegations against staff at Shawangunk.

In accordance with Directive #4040 a grievance should contain a concise, specific description of the problem and the action requested. Grievant has failed to supply such timely details for most of his allegations. In accordance with Directive #4040 Section 701.5, (a), (1): "Filing a complaint. Time limit for filing. An inmate must submit a complaint to the clerk within twenty-one (21) calendar days of an alleged occurrence... Exceptions to this time limit may be approved by the IGP supervisor under section 701.6(g)" The only timely allegation made by the grievant in this present complaint was on 2/3/20 which is only an allegation with no supporting evidence supplied by the grievant. It is at the discretion of the facility administration to review videotapes when deemed necessary. The appropriate avenue for requesting the preservation, review, or copies of video footage, audio recordings or facility records is through the Freedom of Information Law (FOIL) mechanism.

It is beyond the scope of the Inmate Grievance mechanism to impose disciplinary sanctions upon a NYSDOCCS employee.

PAGE 1 OF 5

Appeal Statement

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.

This is a continued harassment grievance. Filed against Superintendent Collado. It's a fact that prior to being arbitrarily transferred to Shawangunk, I did not have a single misbehavior report in over

PAGE 1 OF 5

3 APRIL 2020

Grievant's Signature

Date

Grievance Clerk's Signature

Date

*An exception to this time limit may be requested under Directive #4040, section 701.6(g)

Michael - Tony Keller
EXHIBIT B-4

B-4

GRIEVANCE #CL-0271-20 APPEAL STATEMENT CONTINUED PAGE 2 OF 5

4 years, and I was transferred there prior to my Parole Board and it's clear the reason was Fabricate Misbehavior reports to justify the Parole Board's Predetermination to sentence me to an additional 24 Months which was the case. Superintendent Collado also Violated Correction Law § 137 (6) (g), as she would not allow me to make a single phone call from August to December 2019 while on keep lock, allowing others to make calls. She also Violated Directive 4933, as I received a book package prior to any penalty was imposed, and it was sent back return to sender the very day a penalty was imposed, and when I questioned her, her reply was "this is my Facility". Superintendent Collado, has her officers using the Tier III and Tier II's as a means to extort money from us, and having a hearing officer who admitted in court that "his officers are right and we are guilty". Clearly unfit to be a hearing officer, conducting Tier II hearings, to justify her actions. Extorting me of \$30.00 and Robbing me of over \$17.00 which is still missing from my account. Superintendent Collado, totally disregards the Video audio, which prove beyond doubt that her officers are Fabricating False documents in violation of section 3.4 of the Employees manual. She is Fully aware that there is no Policy anywhere in D.O.C.S. that mandates I must sign a refusal form yet she disregarded the Video, which shows the C.O. deny me Physical therapy, and attempt to force me to sign a refusal form, and

Michael J. Conway
EXHIBIT B-4

B-4

Grievance # CL-0271-20 APPEAL STATEMENT CONTINUED PAGE 3 OF 5

on my refusal to sign the refusal form, Fabricate a misbehavior report which the Video and Audio Fully Contradicts. She allowed to be Maintained in Violation of section 3.4 of the Employees Manual, and on my Filing a Grievance against said C.O. For his continued actions of Provocation, and Placing me on callouts to Medical after Doctor Lee told me I am off the call out, she had her Sgt. Fabricate a Tier III in retaliation, which she also let stand as did the review officer, to assist the Parole Board in their Predetermination. Superintendent Collado, has a Policy in which medical Emergency are used to obtain over time pay for her officers and on my refusal to go to Saint Lukes 2 times my cell was searched and my Fruit was confiscated and Fabricated reports were written claiming my Fruit was wine, no test of any kind was ever conducted, yet both reports stand, and in over 32 years I've never been written up for said Violation. I do not drink at all! I smoke Marijuana! and my institutional record demonstrates this. And its clear all of these Fabricated reports, and antagonistic actions were done to assist the the Parole board in their Predetermination as there was no way to justify a 24 month Sentence without those Misbehavior reports, and in my COMPAS Report it states "History of alcohol Problems unsure" and "Prior treatment for drug or alcohol abuse unsure". Now out of the Blue and after 32 year all of sudden these alcohol tickets appear on my record, and she knew that all these Fabricated reports were in Violation of section 3.4 of the Employees Manual. Superintendent Collado allowed Officers to Rob my Eye Glasses, under the Guise of them being

Michael J. Perry
EXHIBIT B-4

B-4

Grievance #CL-0271-20 Appeal Statement Continued Page 4 of 5

allegedly altered, 1 eye Glass was held with wire on the Arm, as overg more then 1000 Inmates have the same wire on their Eye Glasses do to lost screw or loose arm, and the other the lens came out of the Frame, and the lenses for my Columbia Frames, all of which were Confiscated, and I still have not been able to get them back or even send them Home.

Its a Fact I put in for an Educational transfer to Learn Brail, as my 19 year old daughter is legally Blind, and they do not have Brail in Shawangunk, Its a Fact that I was not allowed to Program at all at Shawangunk, as I was issued a Porter Job, and Move then 50% of The Inmates in B-1- are all B-1- Block Porter which Superintendent Collado Makes clear its her way or no way. Superintendent Collado would not allow me or or any other Jew in B-1 attend Jewish Services and she does not allow Shabos Services, and Makes it clear she is Chatholic, and they are the only ones she goes out of her way For. Superintendent Collado is aware that the Inmate account clerk is Robbing Money From our accounts and allows it I am Missing over \$17.00 and on writing ORC VALLEJO on 28 January 2020 of this Problem, I was transfered on 4 February 2020. Its clear that Superintendent Collado totally disregards the Law the Constitution and established Policy and Directives, and does as she wants and allows her officers Most of whom are coming From Green Haven to do as they Please

Michael J. ...
EXHIBIT B-4

B-4

GRIEVANCE # CL-0271-20 APPEAL STATEMENT CONTINUED PAGE 5 OF 5

With her Full blessings to do as they Please. Clearly She is not Fit For a Supervisory Position, let alone the Position in Albany as her actions now will cost the state, and any Position she is Seeking in Albany will open Flood gates of litigation.

I want My Eye Glasses, Hot Pot, and Bowl returned or allow me to send them Home. I want My over \$17.00 Robbed from My account returned to me, as well as the \$30.00 I was Extorted of, and I want Superintendent Collado to be fully investigated, and given a Mental examination. And as you have 21 days to respond to this Grievance Appeal. I ask that you respond within 21 days.


GRIEVANTS SIGNATURE

DATE: 3 APRIL 2020

Michael J. Jones
EXHIBIT B-4

B-4

*M. Velez 0346481**UF-6-37*

| | | | |
|---|--|----------------------------|---------------------------------|
|  <p>Corrections and Community Supervision</p> <p>ANDREW M. CUOMO Governor</p> <p>ANTHONY J. ANNUCCI Acting Commissioner</p> | Grievance Number CL-0271-20 | Design/Code I/50 | Date Filed 03/04/20 |
| | Associated Cases | | Hearing Date 06/04/20 |
| <p>INMATE GRIEVANCE PROGRAM</p> <p>CENTRAL OFFICE REVIEW COMMITTEE</p> | Facility Clinton Correctional Facility | | |
| | Title of Grievance Multiple Issues While Housed At Shawangunk CF | | |

GRIEVANT'S REQUEST UNANIMOUSLY DENIED WITH CLARIFICATION

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied with clarification. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the grievant was transferred from Shawangunk CF to Clinton CF on 2/10/20 due to his unsuitable behavior, and that his allegations prior to 1/29/20 are untimely and should have been addressed at those times. CORC advises him to address issues regarding his account to Inmate Accounts staff, concerns regarding television programming to the ILC, and specific grievance inquiries to the IGP Supervisor at the facility where it was filed for the most expeditious means of resolution. He should also address his concerns regarding his parole board hearing directly to the Board of Parole.

Further, Directive #4040, § 701.1, states, in part, that the grievance program is not intended to support an adversary process and § 701.6 (b) states, in part, that no reprisals of any kind shall be taken against an inmate or employee for good faith utilization of this grievance procedure. An inmate may pursue a complaint that a reprisal occurred through the grievance mechanism. In addition, Directive #4040, § 701.6 (k) (1) states, in part, that no copies of grievance documents may go into an employee's file without their direct written consent.

CORC asserts that a disciplinary hearing may be appealed in accordance with 7 NYCRR, Chapter V, and that this appeal mechanism affords the opportunity to remedy any factual or procedural errors in a disciplinary report. CORC upholds the discretion of the facility administration to determine when to review video and audio recordings for grievance investigations.

With respect to the grievant's appeal, CORC asserts that all relevant information must be presented at the time of filing in order for a proper investigation to be conducted at the facility level. CORC has not been presented with sufficient evidence of malfeasance by staff.

CMV/

Received

JUL 22 2020

**Inmate Grievance
Supervisor**

132 AD 3d 944
~~18 NY 2d 698~~
Jackson V. Avrocci


Michael J. Jones
EXHIBIT B-5

B-5

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

Shawangunk Correctional Facility

INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

| | | | |
|--|--|---|--|
| 1. NAME OF INMATE (Last, First) • NOMBRE DEL RECLUSO (Apellido, Nombre) Velez, Michael | | NO. • NUM 03A6481 | HOUSING LOCATION • CELDA B1-217 |
| 2. LOCATION OF INCIDENT • VIOLACIONES B1-Mess Hall | | INCIDENT DATE • FECHA August 22, 2019 | INCIDENT TIME • HORA 8:45 AM Approximately |
| 3. RULE VIOLATION(S) • 104.11 VIOLENT CONDUCT 106.10 REFUSING DIRECT ORDER 107.11 HARASSMENT | | | |
| 4. DESCRIPTION OF INCIDENT • On the above date and approximate time, in the B1-Mess hall, I attempted to interview Inmate Velez, M (03A6481) regarding grievance 31935-19 (Code 49). Inmate Velez was asked if he had anything he wished to add to his grievance, to which he responded no. At this time, I asked Inmate Velez if he could elaborate on his grievance by further explaining how he was being harassed by staff. Inmate Velez then began stating "This wouldn't be happening If this were back in the day when I was beating up and slamming poh-leece", I abruptly interrupted Inmate Velez and advised him that I was not interested in hearing about his alleged previous altercations with staff. Inmate Velez then became extremely irate, and with both his hands clenched into a fist he slammed the mess hall table while yelling "FUCK YOU AND FUCK HIM". Inmate Velez then got up from the table yelling and cursing and began to exit the mess hall before I could conclude my interview. Inmate Velez, in a confrontational manner, stopped at the top step leading into the mess hall and continued making references of an alleged violent/assaultive history towards staff. At this time, I issued Inmate Velez several direct orders to lock-in, to which he did not comply until I began to approach him. Inmate Velez subsequently locked-in without further incident. | | | |
| REPORT DATE • FECHA 08/22/19 | REPORTED BY • NOMBRE DE LA PERSONA QUE HACE EL INFORME F. Malave | SIGNATURE • FIRMA  | TITLE • TITULO Sergeant |
| 5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay) | | SIGNATURES : FIRMAS: 1 2 _____ 3 _____ | |

NOTE: Fold back Page 2 on dotted line before completing below.

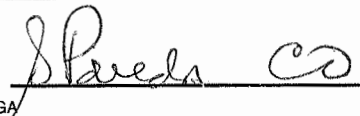
DATE AND TIME SERVED UPON INMATE

FECHA HORA DADO AL RECLUSO

8/23/2019 9:20 AM

NAME AND TITLE OF SERVER

NOMBRE Y TITULO DEL QUE ENTREGA



You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. ♦ Por este medio se le informa que no se puede usar ninguna declaracion hecha por usted como respuesta al cargo informacion derivada de ella en una demanda criminal.

NOTICE ♦ AVISO

REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

You are hereby notified that the above report is a formal charge and will be considered and determined at a hearing to be held. ♦ Por este medio se le notifica que el informe anterior es un cargo formal el cual se considerara y determinara en una audiencia a celebrarse.

The inmate shall be permitted to call witnesses provided that so doing does not jeopardized institutional safety or correctional goals. ♦ Se le permitira al recluso llamar testigos con tal de que al hacerlo no pondra en peligro la seguridad de la institucion o los objetivos del Departamento.

If restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or his/her designee prior to the hearing to make a statement on the need for continued prehearing confinement. ♦ Si esta restringido pendiente a una audiencia por este informe de mal comportamiento, puede escribirle al Diputado del Superintendente para Seguridad o su representante antes de la audiencia para que haga una declaracion acerca de la necesidad de continuar bajo confinamiento, previo a la audiencia.

Distribution: WHITE - Disciplinary Office CANARY - Inmate (After review) ♦ Distribucion: BLANCA - Oficina Disciplinaria AMARILLA - Recluso (despues de la resion)


A-17

15

57h

Michael - [Signature]
EXHIBIT B-6

B-6

| | | | |
|--|---|----------------------------|---------------------------------|
|  Corrections and Community Supervision ANDREW M. CUOMO ANTHONY J. ANNUCCI Governor Acting Commissioner | Grievance Number SHG-31962-19 | Desig./Code I/28 | Date Filed 09/11/19 |
| INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE | Associated Cases | | Hearing Date 07/02/20 |
| | Facility Shawangunk Correctional Facility | | |
| Title of Grievance False MBR | | | |

GRIEVANT'S REQUEST UNANIMOUSLY DENIED

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

CORC asserts that disciplinary dispositions are non-grievable and that the disciplinary appeal mechanism affords an inmate the opportunity to remedy any factual or procedural errors in a disciplinary report. It is noted that the grievant's 8/22/19 disciplinary disposition was affirmed upon appeal by the Office of Special Housing and Inmate Discipline on 10/2/19.

CORC notes that no reprisals of any kind shall be taken against an inmate or employee for good faith utilization of this grievance procedure. An inmate may pursue a complaint that a reprisal occurred through the grievance mechanism. In addition, Directive #4040, § 701.6, (k), (1) states in part, that no copies of the grievance documents may go into an employee's file without the direct written consent of the employee.

With respect to the grievant's appeal, CORC notes that he has raised a separate issue in his appeal statement that was not addressed in his original complaint and he has since been transferred.

MXV/

0472

B-7

Michael - 1000
EXHIBIT 13 - 7
1000

FORM #2077 (REV. 11/16)

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

CELL FRISK/CONTRABAND RECEIPT

Original - Inmate
Copy - DSSShawangunk CORRECTIONAL FACILITYDate: Jan 1, 2020 Frisk Start Time: 935/pm Frisk End Time: 940/pmInmate Name: Veloz DIN: 03A6481 CELL/CUBE/ROOM: B1-217Officer Conducting Search: C. Hildebrand/N. Judd 35628/4076
Print Name Legibly Badge # Signature

| ITEMS CONFISCATED OR DAMAGED | WHERE FOUND | DISPOSITION OF ITEMS LISTED |
|--|------------------------------|-----------------------------|
| 2 PAIRS OF ALTERED GLASSES WITH LENSES AND 1 BROKEN SHARPENED LENSE & DISASSEMBLED MECHANICAL DRAWING INSTRUMENT 3 BURNT ROLLED PIECES OF PAPER | ON TABLE | LIDOCAINE PATCHES RETURNED |
| 1 RED AND BLACK DIE 1 ALTERED HOT POT | UNDER TABLE | TO MEDICAL |
| 1 BROKEN PAIR OF TWEEZERS 14 LIDOCAINE PATCHES | UNDER BED | |
| 1 CONTAINER CONTAINING AN UNKNOWN LIQUID WITH FRUIT SMELLING STRONGLY OF ALCOHOL | UNDER SINK | OTHER ITEMS SECURED |
| 2 BOTTLES CONTAINING RESIDUE OF BEFORE MENTIONED LIQUID | UNDER BED | PER DIRECTIVE 4910A |
| 1 BOX STAPLE FASTENED WITH A STRING MELTED INTO A PEN | UNDER TABLE | |
| 1 BOX STAPLE SHARPENED ON ONE END | INSIDE A BOOK UNDER TABLE | |

~~1 DISASSEMBLED MECHANICAL DRAWING INSTRUMENT~~

NO CONTRABAND FOUND

☒ NO PROPERTY DAMAGED DURING SEARCH**NOTICE TO INMATE:** YOU MAY WRITE TO THE DEPUTY SUPERINTENDENT FOR SECURITY WITHIN 7 DAYS OF THIS RECEIPT REGARDING THE CONFISCATION OR DISPOSITION OF THESE ITEMS.**NOTE:** DURING THIS CELL FRISK, MY INITIALS BELOW INDICATE THAT THE CELL INTEGRITY CHECK HAS BEEN COMPLETED AS FOLLOWS:FLOORS: CASINK/TOILET: CAAIR VENT: CAWINDOW CHECKED/INTACT: CACEILING: CAWALLS: CABARS: CAMISC: CA

IN ADDITION: THE FOLLOWING ITEMS WERE CHECKED FOR COMPLIANCE:

PROPERTY LIMITS (No more than 4 bags of property): _____

PHOTOGRAPH/PICTURE COMPLIANCE (No nudes visible from the front of cell. All photos/pictures confined in the appropriate 2' x 4' section.) _____

INMATE ID MATCHES CURRENT APPEARANCE (Checked ID to inmate's current appearance, if the inmate was present for the search.) _____

Comments: _____

Michael J. Jones
EXHIBIT B-8
J. Jones

B-8

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

Shawangunk Correctional Facility

INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

| | | | |
|--|--|--|--|
| 1. NAME OF INMATE (Last, First) • NOMERE DEL RECLUSO (Apellido, Nombre) Velez, M. | | NO. • NUM 03A6481 | HOUSING LOCATION • CELA B1-217 |
| 2. LOCATION OF INCIDENT • LUGAR DEL INCIDENTE B1-217 | | INCIDENT DATE • FECHA January 1st, 2020 | INCIDENT TIME • HORA 7:35pm Approximately |
| 3. RULE VIOLATION(S) • VIOLACION/ES | | | |
| 113.11 ALTERED ITEM | 113.13 ALCOHOL OR INTOXICANT | 120.20 GAMBLING | |
| 113.14 UNAUTHORIZED MEDICATION | 113.18 UNAUTHORIZED TOOLS | | |
| 113.23 CONTRABAND 118.20 TATTOOING | 118.21 FLAMMABLE MATERIALS | | |
| 4. DESCRIPTION OF INCIDENT • DESCRIPCION DEL INCIDENTE On the above date and approximate time I, C.O. C. Hildebrand and C.O. N. Judd conducted a suspicion cell search on cell B1-217 occupied by Inmate Velez #03A6481. During the course of the search the following items were recovered: 2 pairs of altered glasses with 8 lenses, 1 broken piece of eyeglass lense, 3 burnt rolled pieces of paper appearing to be used as a wick, 1 red and black die, 1 broken pair of tweezers, 1 altered hotpot, 1 container containing an unknown liquid with fruit smelling strongly of alcohol with 2 empty bottles containing a residue of before mentioned liquid. Area supervisor identified the liquid as fermented alcohol and the liquid was disposed of. Also found in the cell was 1 box staple fastened with string and melted onto a pen, 1 box staple altered on one end found concealed within a pen casing, What appears to be a disassembled mechanical drawing instrument. 14 unused Lidocaine patches confirmed by RN McKnight that they are supposed to be on a 1 for 1 exchange. The Lidocaine patches were returned to RN McKnight. All other aforementioned items were confiscated and secured in the tier 3 contraband locker per Directive 4910A. | | | |
| REPORT DATE • FECHA 01/01/20 | REPORTED BY • NOMBRE DE LA PERSONA QUE HACE EL INFORME Hildebrand | SIGNATURE • FIRMA | TITLE • TITULO C.O. |
| 5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay) | | SIGNATURES • FIRMAS: 1 2 _____ 3 _____ | |

NOTE: Fold back Page 2 on dotted line before completing below.

DATE AND TIME SERVED UPON INMATE

1-2-20 9:30 AM

NAME AND TITLE OF SERVER

CO DOCKIN

FECHA HORA DADO AL RECLUSO

NOMBRE Y TITULO DEL QUE ENTREGA

You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. ♦ Por este medio se le informa que no se puede usar ninguna declaracion hecha por usted como respuesta al cargo informacion derivada de ella en una demanda criminal.

NOTICE ♦ AVISO

REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

You are hereby notified that the above report is a formal charge and will be considered and determined at a hearing to be held. ♦ Por este medio se le notifica que el informe anterior es un cargo formal el cual se considerara y determinara en una audiencia a celebrarse.

The inmate shall be permitted to call witnesses provided that so doing does not jeopardized institutional safety or correctional goals. ♦ Se le permitira al recluso llamar testigos con tal de que al hacerlo no pondra en peligro la seguridad de la institucion o los objetivos del Departamento.

If restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or his/her designee prior to the hearing to make a statement on the need for continued prehearing confinement. ♦ Si esta restringido pendiente a una audiencia por este informe de mal comportamiento, puede escribirle al Diputado del Superintendente para Seguridad o su representante antes de la audiencia para que haga una declaracion acerca de la necesidad de continuar bajo confinamiento, previo a la audiencia.

Distribution: WHITE - Disciplinary Office CANARY - Inmate (After review) ♦ Distribucion: BLANCA - Oficina Disciplinaria AMARILLA - Recluso (despues de la revision)

Michael Jones
EXHIBIT B-8
[Signature]

01/02/2020
DCP006NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
SUPERINTENDENT HEARING DISPOSITION RENDERED

PAGE 1

SHAWANGUNK

TAPE NUMBER 20-002

DIN: 03A6481 NAME: VELEZ, MICHAEL

LOCATION: 0B-12-17S

INCIDENT DATE & TIME: 01/01/2020 07:35 PM TIER 3

REVIEW DATE: 01/02/2020 BY: LT VILLEGAS, D A

DELIVERY DATE & TIME: 1/2/20 9:30 AM BY: CO Noct IIHEARING START DATE & TIME: 1/7/20 1:53 PM BY: CO Noct IIHEARING END DATE & TIME: 1/15/20 1:02 PM BY: CO Noct II

WAS THERE NEED FOR A FORMAL MENTAL HEALTH/INTELLECTUAL CAPACITY ASSESSMENT? Y / N

| CHARGE NUMBER | DESCRIPTION OF CHARGES | REPORTED BY | DISPOSITION |
|---------------|-------------------------|--------------------|-------------|
| 113.11 | ALTERED ITEM | CO HILDEBRAND, C D | Guilty |
| 113.13 | ALCOHOL OR INTOXICANT | | Guilty |
| 113.14 | UNAUTHORIZED MEDICATION | | Guilty |
| 113.18 | UNAUTHORIZED TOOLS | | Guilty |
| 113.23 | CONTRABAND | | Guilty |
| 118.20 | TATTOOING | | Not Guilty |
| 118.21 | FLAMMABLE MATERIALS | | Guilty |

ANY GUILTY DISPOSITION WILL RESULT IN A MANDATORY DISCIPLINARY SURCHARGE IN THE AMOUNT OF FIVE(\$5.00) DOLLARS BEING ASSESSED AUTOMATICALLY AGAINST THE INMATE. SANCTION DATES BELOW ARE SUBJECT TO REVIEW/CHANGE, AND WILL BE CONSECUTIVELY ADDED TO ANY SIMILAR CURRENT SANCTION. IN ADDITION, WHENEVER A CONFINEMENT PENALTY IS BEING SERVED AND A MORE RESTRICTIVE CONFINEMENT PENALTY IS IMPOSED AS A RESULT OF ANOTHER HEARING, THE MORE RESTRICTIVE PENALTY SHALL BEGIN TO BE SERVED IMMEDIATELY, AND ANY TIME CWED ON THE LESS RESTRICTIVE PENALTY SHALL BE SERVED AFTER COMPLETION OF THE MORE RESTRICTIVE PENALTY PERIOD.

| PENALTY CODE | DESCRIPTION | PENALTY MO DAYS | START DATE | RELEASE DATE | SUSPEND MO DAYS | DEFERRED MO DAYS | RESTITUTION \$\$\$\$. cc |
|--------------|---------------------------|-----------------|------------|--------------|-----------------|------------------|---------------------------|
| B100 | VIOLATION PREPARING | 14D | 1/1/20 | 1/1/20 | | | |
| B000 | VIOLATION | 40D | 1/1/20 | 3/1/20 | | | |
| C000 | LOSS OF PACKAGES | 60D | 1/1/20 | 3/1/20 | | | |
| F000 | LOSS OF INMATE'S PROPERTY | 60D | 1/1/20 | 3/1/20 | | | |
| D000 | PROPERTY | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Michael J. Lyons
EXHIBIT B-8

27 JANUARY 2020

MICHAEL VELEZ
03A 6481
P.O. BOX 700
WALLKILL, NY 12589

ACTING COMMISSIONER ANNUNCI
Department of Correction and Community Supervision
1220 WASHINGTON AVENUE BUILDING 2
ALBANY, NEW YORK 12226-2050

Dear Acting Commissioner Annucci:

I am hereby appealing from a determination of the
Following Superintendent's hearing:

Hearing held at Shawangunk C.F.

DATE of Disposition: 15 January 2020

Date of Incident: 1 January 2020

Date Disposition received: 15 January 2020

In accordance with Section 254.8 of Title 7 NYCRR, I
request that you review and reverse my Superintendent's
Hearing.

The sentence I received violates my rights under
New York Law, the United States Constitution, and human
Rights treaties.

The following procedural violations occurred:

On 1 January 2020, I had a heart attack, and
while I was in the Medical unit, the C.O.'s were adding up
the overtime they would get if I go to the Hospital, and
informed the Sgt. to look and see if I was a CMC, so
he will have to go. The Sgt. looked and saw that I was
in fact a CMC-A and filled out his paper work for the trip.
I told the Nurse on arrival to medical DNR, which he
claimed he can't. When the Doctor said to take me to Saint
Lukes, I told her I refuse, and if I am dying let me
Die.

Michael T. Jones
EXHIBIT B-8
J. Jones

B-8

Once it was established that I refused to go to the outside Hospital, the Sgt. Ripped up the paper work he already Filled out and said "Search his Cell and Find something." My Cell was Searched while I was in Medical the search started at 7:35 pm to 9:40 pm Clearly over 2 Hours, No search in the History of Cell search is 2 Hours. This Appeal Follows.

on 30 April 2019, I arrived at Shawangunk, and all listed Property designated:

113:11 Altered Item; unauthorized Tools 113:18; Contraband 113:23 were all allowed, and in the over 12 Cell Searches I've had since I been in this Facility not a single Item was listed as, a Violation of 113:11; 113:18; or 113:23 And as stated I came to this Facility with every thing, to state My Eye Glasses are an Altered Item because a lense was out and a screw, Its a Fact there are Move than 1000 inmates with wive in the screw hold of their Eye Glasses, as well as tape. and these are not Altered Items, yet my Eye Glasses were Confiscated along with the lenses. These are Eye Glasses purchased From D.O.C.C.S. The Hot pot was Defective when purchased at Elmira, and I Fixed it and there was no problem with it For over 2 years, nor on any of the Searches conducted at this Facility. The same applies to every Item taken, To issue a Misbehavior Report when they allowed all property into the Facility just so they can then Charge me \$5.00, and Confiscate all Items, Is a Robbery as the Eye Doctor can fix my Eye glasses. and any other Item, if it was designated Contraband it should not been allowed in the Facility and I should have been allowed to Send it Home.

As For 113:13, clearly what was taken was the Fruit I was eating, Still in my Bowl, there was no fermenting agent in the bowl, it was Fruit, this is the Second time I had a Medical

Michael J. Long
EXHIBIT B-8
J. Long

B-8

Emergency and all of the sudden My Fruit turns into Alcohol to justify a Misbehavior report. Clearly in over 32 years of Confinement I never received an alcohol related report, I do not Drink Alcohol, In the streets or in jail at all, and the Hearing officer Labeled it Fermented Fruit this is unfounded and It was never tested nor held so I can have it tested and was not supported in the Misbehavior report.

As For 118:21, This is totally unfounded, as the officers light our wicks of Toilet paper when the lighter does not work to claim Toilet paper Flammable Material is crazy as they issue Toilet paper, and any Facility in D.O.C.C.S. you will see everyone who buys Muslim oil burning it on toilet paper and it was never designated Flammable Material, so this charge as well is unfounded and not supported by the Misbehavior Report.

As For 113:14 unauthorized Medication is also unfounded, as the officers were supposed to pick up the used patches, or escort me to Medical to give them back, they did neither, and I held them in the event they did come, I would have them to return.

It is clear that the entire report and search was Retalitory, as the officers and Sgt. would have received up to \$150.00 per hour in over time at time + time 1/2. And it took the Officers 2 hours to decide to list all the Items, and issue an 8 charge report.

Its clear I had a 4 year Misbehavior Free Record, and I come to this Facility and am written up for refusing to sign a refusal form, and other none Rule Violations, to justify the taking of \$5.00. This Report compounds these issues as its clear I want to go home, not give the Parole Board Ammo to use in their predetermined hearings, as are all hearings

Michael - Tony Vior
EXHIBIT B-8

B-8

4

On 7 January 2020, I wrote to Mr. Marshall Nadan Esq.
Telephone No. 845-338-6088, P.O. Box 4091, KINGSTON, N.Y. 12402
 and informed him I will receive 60 days, keep lock and not
 SHU, as I was informed by the hearing officer.

As, demonstrated by the disposition I received
 60 Days keep lock, as I informed Mr. Nadan Esq. I
 would receive.

All dispositions are allegedly to impress some issue
 upon the inmate, yet this disposition cannot be justified
 as it was retaliatory in form and basis, and I am being
 penalized for not going to the out side Hospital and the
 officers not being able to obtain over time pay on New Years.
 Every item and issue of the Report was allowed in this
 Facility.

I ask that my Eye Glasses and Lenses be returned to
 me, as well as my Hot Pot and Bowl.

I further ask that the disposition be overturned
 in the interest and conformity of justice, as there is no
 penological interest or goal to be found or learned from it.

RESPECTFULLY

MICHAEL VELEZ

C.C.: MTU/FILE

MR. NADAN.ESQ

EXHIBIT B-8
Michael Thomas Velez

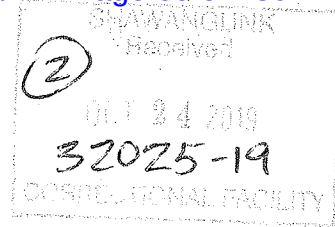
B-8

TO: INMATE GRIEVANCE PROGRAM

FROM: M. VELEZ, 03A6481-B-1-217

RE: Denial of Religious Rights.

DATE: 23 OCTOBER 2019



On 13 October 2019, Succos came in that evening. Its a Fact and Religious Requirement that all 3 Meals be eaten outside in the Sukkot, and a prayer is said while holding and shaking the LULAV and ETROG.

This Facility arbitrarily and capriciously, has denied myself and others From all Congregational prayers, and this Facility continues to deny me Congregational prayer for all Holy days.

Also, on 18 October 2019, I was denied Matzo and grape Juice for my Shabbos Siddur. The C.O. Told me I would have to go to whatever Room was designated for prayer, yet when the Block Control officer called she was informed that No one knows what she is talking about, and that I was not on any list.

In Clarification, I have not seen, nor spoken to the Rabbi in this Facility since I been here From 30 April to Present date, I have written him 3 times to no Avail I dont know that he has even received any of my letters. But, he did lie claiming to have spoken to me.

ACTION REQUESTED:

That I be afforded The very same Religious Rights as all other Beliefs. To include Congregational worship on Shabbos, and all Holy Days.


GRIEVANTS SIGNATURE

M. Velez

VE1E2.M
03 AUG 81
B1-217

B-9

Michael -
EXHIBIT B-9

| | | | |
|---|---|----------------------------|---------------------------------|
|  Corrections and Community Supervision ANDREW M. CUOMO ANTHONY J. ANNUCCI Governor Acting Commissioner | Grievance Number SHG-32117-19 | Desig./Code I/16 | Date Filed 12/23/19 |
| | Associated Cases | | Hearing Date 07/02/20 |
| INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE | Facility Shawangunk Correctional Facility | | |
| | Title of Grievance Wants To Attend Religious Services | | |

GRIEVANT'S REQUEST UNANIMOUSLY DENIED FOR MOOTNESS

Upon full hearing of the facts and circumstances in the instant case, the grievant's action requested is hereby denied, as CORC considers the issue moot.

CORC notes that Directive #4040, § 701.3 requires that "An inmate must be personally affected by the policy or issue he or she is grieving, or must show that he or she will be personally affected by that policy or issue unless some relief is granted or changes made."

CORC notes that the grievant was transferred on 2/10/20. Due to this change in circumstances, the grievant is no longer personally affected by the issues raised in the instant complaint.

Accordingly, the matter is now closed.

SMM/hlk

Michael - Tony Valera
EXHIBIT B-10

6-10

TO: IGRC

From: M. VELEZ. 03A6481

CELL: C-6-28

DATE: 3 JUNE 2021

RE: DENIAL MEDICAL TO SERIOUS MEDICAL NEED / THREATS
NATURE OF GRIEVANCE:

On 3 JUNE 2021, I was seen at Medical by: S. Devlin-Varin, whom refused to address my serious Medical needs, because I refused to give any Blood, it's a Fact all that is needed for any Medical test is a drop of Blood, not any tubes.

On realizing I will not give blood as she demanded, she told me that I will provide blood for the T.B. test or be placed on Keep Lock For six (6) Months. I informed her that she should learn about the people she is Threatening, as I am one of the ones that established that we have a choice either the T.B. Shot or the X-RAY. She then said that she was putting me in for the Eye Doctor, which I never requested, and dismissed me.

ACTION REQUESTED:

That I be provided Medical treatment to my serious Medical needs.

GRIEVANTS SIGNATURE

MICHAEL VELEZ

Michael J. Jones
EXHIBIT C
J. Jones

I.G.R.C. Response:**Name: Velez, M.**
CL - 0542- 21**DIN#: 03A6481**
CODE-22

The Facility investigation has revealed that: Grievant alleges being denied medical treatment. Investigation conducted via chart review. Grievant was seen by his provider on 6/3/21. He requested, "Something strong for back pain." When provider explained she needed to get updated laboratory studies prior to prescribing him pain meds he stated, "You're not taking my blood pressure for any reason." Grievant is scheduled soon for both routine laboratory testing and his Quantiferon testing at the same time. If he refuses, he will be placed on TB hold in accordance with HSPM 1.18. Grievant was provided with education by the provider regarding the need for labs prior to initiating new pain meds. Grievant should be an active participant in his health care treatment plan and comply with provider recommendations to prevent complications. Following of HSPM's is the responsibility of the provider and should not be misconstrued as threats by the grievant. Medical treatment decisions and prescribing medications is deferred to the medical expertise of the provider. No malfeasance found on part of staff.

Date returned to inmate: _____

I.G.R.C. Members: _____

Chairperson: _____

Return within 7 days and check appropriate boxes.
☒ I disagree with IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent.

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I apply to the IGP Supervisor for review of dismissal.

Grievant's Signature: _____

Date: 15 July 2021

Grievance Clerk's

Receipt: _____

Date: _____

To be completed by Grievance Clerk

Grievance Appealed to the Superintendent: _____


Date

Grievance forwarded to the Superintendent for action: _____

Date

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

Michael Long
EXHIBIT C
1/16/22

| | | |
|--|--|-------------------------|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM E. BELL SUPERINTENDENT | GRIEVANCE NO. CL-0542-21 | DATE FILED 6/7/2021 |
| | FACILITY CLINTON CORRECTIONAL FACILITY | POLICY DESIGNATION I |
| | TITLE OF GRIEVANCE Denied Medical Care | CLASS CODE 22 |
| | SUPERINTENDENT'S SIGNATURE <i>[Signature]</i> | DATE 7.20.21 |
| GRIEVANT Velez, M | ID# 03A6481 | HOUSING UNIT C 6-28 |

The grievant alleges that when he was seen by the Nurse Practitioner (NP) on 6/3/21 he was denied treatment because he refused to have blood work drawn.

The investigation was completed by the Nurse Administrator. The grievant was evaluated by the NP on 6/3/21 for complaints of back pain. When the NP explained to the grievant that prior to ordering pain medications she needed update bloodwork. The grievant adamantly refused to have blood drawn. The NP then tried to explain to him that it could be done with his annual quantiferon test that is due soon. Again, he refused. She explained HSPM 1.18 to him and attempted to educate him on the policy, this was misconstrued as threats by the grievant.

No malfeasance found on part of staff.

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. *Please state why you are appealing this decision to C.O.R.C.

I Explained to S. Delvin-Varin, that the proper procedure for T.B. is the actual test which is the only test I take or the chest X-Ray. The Blood test is not Mandatory, its either or. And the abuse of Confining must stop.

GRIEVANT'S SIGNATURE

21 July 2021
DATE


GRIEVANCE CLERK'S SIGNATURE

DATE

*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)
Form 2133 (02/15)

Michael Young
EXHIBIT C
1/2/23

Keloz M 03A6481 *D.128*

| | | | |
|---|--|---|---------------------------------|
|  Corrections and Community Supervision KATHY HOCHUL Governor ANTHONY J. ANNUCCI Acting Commissioner | Grievance Number CL-0542-21 | Desig./Code I/22 | Date Filed 06/07/21 |
| | Associated Cases | | Hearing Date 09/02/21 |
| | Facility Clinton Correctional Facility | | |
| INCARCERATED GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE | | Title of Grievance Denied Treatment For Refusing Blood Draw | |

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon a full hearing of the facts and circumstances presented in the instant case, and upon recommendation of the Division of Health Services, the action requested herein is accepted in part.

CORC notes that the grievant's complaint has been reviewed by the Division of Health Services' staff who advise that a complete investigation was conducted and that the grievant is receiving appropriate treatment. It is noted that the grievant was evaluated for medical care but continues to refuse to comply with the treatment plan. The grievant is advised to follow the recommended treatment plan outlined by Health Services staff.

CORC recommends that the grievant address any further medical concerns to medical staff via established sick call procedures.

TAB/

RECEIVED

DEC 17 2021

IGP SUPERVISOR
CLINTON ANNEX

Michael J. Young
EXHIBIT C

FORM 2171B (10/14)

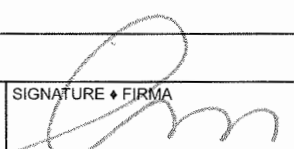

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Side 2

Clinton

Correctional Facility

INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

| | | |
|---|--|---|
| 1. NAME OF INMATE (Last, First) ♦ NOMBRE DEL RECLUSO (Apellido, Nombre) Velez, Michael | NO. ♦ NÚM. 03A6481 | HOUSING LOCATION ♦ CELDA 150.3 |
| 2. LOCATION OF INCIDENT ♦ LUGAR DEL INCIDENTE 150.3 (Hospital) | INCIDENT DATE ♦ FECHA 9.28.21 | INCIDENT TIME ♦ HORA approx. 8:15a |
| 3. RULE VIOLATION(S) ♦ VIOLACIÓN/ES 102.10 Threats. | | |
| 4. DESCRIPTION OF INCIDENT ♦ DESCRIPCIÓN DEL INCIDENTE On the above date and approximate time, while doing morning rounds in the infirmary, I/V Velez 03A6481, stated, "If you don't get me out of here, I will hurt your mother and daughter, believe me." I explained to him the I was following the policy regarding his need to remain in isolation and terminated this contact. | | |
| REPORT DATE ♦ FECHA 9.28.21 | REPORTED BY ♦ NOMBRE DE LA PERSONA QUE HACE EL INFORME A. Badrogi | SIGNATURE ♦ FIRMA  |
| 5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay) | | TITLE ♦ TÍTULO FHSD |
| SIGNATURES: FIRMAS: 1.  2. _____ 3. _____ | | |

NOTE: Fold back Page 2 on dotted line before completing below.

DATE AND TIME SERVED UPON INMATE 10/23/2021 8:56 AM

NAME AND TITLE OF SERVER M. WEBB, C.O.

FECHA HORA DADO AL RECLUSO

NOMBRE Y TÍTULO DEL QUE ENTREGA

You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. ♦ Por este medio se le informa que no se puede usar ninguna declaración hecha por usted como respuesta al cargo o la información derivada de ella en una demanda criminal.

NOTICE ♦ AVISO

REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

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The inmate shall be permitted to call witnesses provided that so doing does not jeopardize institutional safety or correctional goals. ♦ Se le permitirá al recluso llamar testigos con tal de que al hacerlo no pondrá en peligro la seguridad de la institución o los objetivos del Departamento.

If restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or his/her designee prior to the hearing to make a statement on the need for continued prehearing confinement. ♦ Si está restringido pendiente a una audiencia por este informe de mal comportamiento, puede escribirle al Diputado del Superintendente para Seguridad o su representante antes de la audiencia para que haga una declaración acerca de la necesidad de continuar bajo confinamiento, previo a la audiencia.

Distribution: WHITE - Disciplinary Office CANARY - Inmate (After review) ♦ Distribución: BLANCA - Oficina Disciplinaria AMARILLA - Recluso (después de la sesión)

Michael Jones
EXHIBIT D

D

CLINTON GEN

TAPE NUMBER 21-1130

DIN: 03A6481 NAME: VELEZ, MICHAEL

LOCATION: 0D-01-028

INCIDENT DATE & TIME: 09/28/2021 08:15 AM TIER 3

REVIEW DATE: 09/28/2021 BY: LT DONAH, J J

DELIVERY DATE & TIME: 10/23/21 08:56 AM BY: CO WEBB, M H

HEARING START DATE & TIME: 10/27/21 10:00 AM BY: ESV R. Shvokelich

HEARING END DATE & TIME: 10/27/21 11:23 AM BY: ESV R. Shvokelich

WAS THERE NEED FOR A FORMAL MENTAL HEALTH/INTELLECTUAL CAPACITY ASSESSMENT? Y N

DOES THIS MISCONDUCT MEET THE CRITERIA FOR WORKPLACE VIOLENCE? Y N

CHARGE

NUMBER DESCRIPTION OF CHARGES REPORTED BY DISPOSITION

102.10 THREATS OTHR BODROGI, A M

----- DISPOSITION: GUILTY

ANY GUILTY DISPOSITION WILL RESULT IN A MANDATORY DISCIPLINARY SURCHARGE IN THE AMOUNT OF FIVE(\$5.00) DOLLARS BEING ASSESSED AUTOMATICALLY AGAINST THE INMATE. SANCTION DATES BELOW ARE SUBJECT TO REVIEW/CHANGE, AND WILL BE CONSECUTIVELY ADDED TO ANY SIMILAR CURRENT SANCTION. IN ADDITION, WHENEVER A CONFINEMENT PENALTY IS BEING SERVED AND A MORE RESTRICTIVE CONFINEMENT PENALTY IS IMPOSED AS A RESULT OF ANOTHER HEARING, THE MORE RESTRICTIVE PENALTY SHALL BEGIN TO BE SERVED IMMEDIATELY, AND ANY TIME OWED ON THE LESS RESTRICTIVE PENALTY SHALL BE SERVED AFTER COMPLETION OF THE MORE RESTRICTIVE PENALTY PERIOD.

| PENALTY CODE | DESCRIPTION | PENALTY MO DAYS | START DATE | RELEASE DATE | SUSPEND MO DAYS | DEFERRED MO DAYS | RESTITUTION \$\$\$\$. cc |
|--------------|-------------|-----------------|------------|--------------|-----------------|------------------|---------------------------|
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|-------|------------|-----|---------|----------|--|--|--|
| B-400 | PREHEAR KL | 29D | 7/28/21 | 10/27/21 | | | |
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Michael J. Kelly
EXHIBIT D

D

NOTICE

Page 1 of 2

MICHAEL-TONY VELEZ 03A6481
P.O. BOX 2000, DANNEMORA, N.Y. 12929

June 8th, 2021

New York State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210

Dear Sir/Madam:

I am writing as a result of the ongoing and rapidly escalating antagonistic behavior by the Corrections Staff and Officers at Clinton Correctional Facility.

I filed a PREA Grievance against an officer due to her inappropriate sexual advances. An officer who has been arbitrary and capriciously denying me Religious Kosher Meals, Phone Calls which are mandatory after 24 hours of confinement, Showers, Access to Kiosk, and Recreation. None of the above matters have been addressed and were all recorded on Video and Audio, including the fact that C.O.'s kept trying to intentionally create a situation of physical confrontation between myself and the porters.

I witnessed a prisoner who was put on the ground, stabbed multiple times and had his leg broken by a correction officer. Too many times I've witnessed C.O.'s beating hand-cuffed prisoners with their knight sticks. Once, in the mess hall a prisoner with his hands up was bashed in the head with a knight stick by an officer. All this is being done intentionally in order to cause a riot, so that the perpetrators could cry to the news agencies and other media outlets asking for higher wages and more officers, although there are way too many of them already. If you examine a 24-hour segment, you will see the C.O.'s hanging out instead of doing their actual job, because there are more officers than ever. Their last excuse was the need to cover for recreation, and they no longer run morning recreation 7 days a week.

Now they are abusing the use of gas and thereby expose all prisoners thereto for 15 minutes to over a ½ hour due to the Governor's closing of those prisons.

It should be noted that I've witnessed the killing of a black man who had left here, and the receiving facility wouldn't accept him due to the injuries. The very next day a Lt., Sgt., and 3 officers took turn breaking him down and jumping on him. Then they took him to a real SHU and placed in a cell. When they returned, they found him dead. Not long ago, another prisoner was having heart problems, but instead of securing adequate medical assistance the C.O.'s simply injected him with Narcam. Narcam is used to treat "Dope-Heroin", but officers administer it without being licensed medical professionals. Some prisoners received up to three (3) such shots in the outside hospital.

Michael J. Jones
EXHIBIT E-1
J. Jones

The extent of harassment and abuse which is being allowed here always turns bad. I've witnessed the above asserted atrocities first hand in Southport in May 1991, and they are already building for it as demonstrated when someone finally broke their jaws. Yet, no one is being prosecuted for all the assaults being repeatedly and continuously committed by officers. I hope for your assistance in the matter to bring the officers to their senses and this facility to follow the established laws and regulations.

Thank you for your time, patience and cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Tony Velez", written over a horizontal line.

Michael-Tony Velez

Sworn to before me this ____ day of _____, 2021

NOTARY NOT AVAILABLE

Notary Public

Michael J. Ryan
EXHIBIT - E-1

E-1



**Commission of
Correction**

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

July 14, 2021

Michael Velez
DIN #03-A-6481
Clinton Correctional Facility
P.O. Box 2000
Dannemora, New York 12929

Dear Mr. Velez:

This is in response to your letter received by the Commission on June 14, 2021.

Please be advised that the Commission of Correction has forwarded your complaint letter to the Office of Special Investigations for review and handling.

Please be further advised any future correspondence regarding this matter should be addressed directly to the Office of Special Investigations. You may write to them at the following address:

Chief of Investigations / Office of Special Investigations
NYS Department of Corrections and Community Supervision
State Campus, Building 9
Albany, New York 12226

Sincerely,

Bureau of Field Operations
#144389

Michael - Tony
EXHIBIT E-1

E-1

TO: INMATE GRIEVANCE COMMITTEE

FROM: M. VELEZ 03A6481

CELL: C-6-28

RE: Denial of Recreation, Mandatory Phone Call, and Showers

DATE: 30 June 2021

NATURE OF GRIEVANCE:

Superintendent Bell's, present policy and procedure, which denies all prisoners, not in his Special Housing Units i.e. E-Block, D-Block or the Unit, Mandatory Phone Call, after 24 Hours of Confinement, Mandatory Recreation, and Mandatory Showers. State wide keep lock is done in General Population, not in Special Housing units. Created by the Department to try and get around Mandated Court Orders, and Laws, As is being done in this Facility. No place in the entire state do keep lock prisoners get chained and handcuffed, save this facility.

At present, I've been keep locked for 22 days as a result, of the Hearing Officers refusal to obtain Video Tape which demonstrate the C.O. McClatchie's Harrassment and unprofessional conduct. And I've been denied Mandatory Recreation all 22 days and counting, I was denied Mandatory Phone Call after 24 Hours of Confinement. I've only received 4 Showers in 22 days. And this because of

Michael Jones
EXHIBIT E-2

John

E-2

GRIEVANCE COMPLAINT CONTINUED

Superintendent Bell's present policy and procedure, that is we are not in Special Housing we do not get mandatory Phone Call after 24 Hours of Confinement, nor mandatory Recreation. I wrote Superintendent Bell on 10 June 2021 as a result of his policy, which he designated "Dep. Bishop" to investigate his own policy, which the C.O. informed me, only E-Block, D-Block and the unit receive recreation per Superintendent Bell.

ACTION REQUESTED:

That All keep lock prisoners receive their Mandatory Recreation, Mandatory Phone Call after 24 Hours of Confinement and Mandatory 3 showers per week, And Not have to house in Special Housing. But in general population where keep lock is supposed to be served.

And Superintendent Bell Follow the Law and Constitution.

GRIEVANTS SIGNATURE

C.C: ANTHONY ANNUCCI

COMMISSION OF CORRECTION

INSPECTOR GENERAL

Michael J. Jones
EXHIBIT E-2

E-3



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

July 7, 2021

Mr. Michael Velez
DIN# 03A6481
Clinton Correctional Facility
P.O. Box 2000
Dannemora, New York 12929

Dear Mr. Velez:

This is in response to your letter received on June 30, 2021 by the Commission.

Please be advised that the Commission of Correction has forwarded your complaint letter to the Office of Special Investigations for review and handling.

Please be further advised any future correspondence regarding this matter should be addressed directly to the Office of Special Investigations. You may write to them at the following address:

Chief of Investigations / Office of Special Investigations
NYS Department of Corrections and Community Supervision
State Campus, Building 9
Albany, New York 12226

Sincerely,

Bureau of Field Operations
145300

Michael J. Jones
EXHIBIT E-2

E-2

2 JULY 2021

MICHAEL-TONY VÉLEZ

03 A 6481

P.O. Box 2000

DANNEMORA, NY 12929

NEW YORK STATE COMMISSION OF CORRECTION

ALFRED E. SMITH STATE OFFICE BUILDING

80 S. SWAN STREET - 12TH FLOOR

ALBANY, NEW YORK 12210

Dear Ms/Mr.:

Enclosed Find Copies of 2 Grievances and a Complaint, which is being filed against the Director of IGRC SHELLEY MALLOZZI, and IGRC Supervisors TARA M. BROUSSEAU, and CHRISTINE M. GREGORY, and The Grievances are against Superintendent Bell, and the Facility Inmate Records Coordinator.

I am sending these to you so you will see the ongoing situation and hopefully investigate and Make the proper corrections, as all actions and events cost Tax payers, and this should stop.

I thank you for your time and Cooperation.

RESPECTFULLY

MICHAEL-TONY VÉLEZ

C.C.: MTV/FILE

ENCLS.

Michael Henry
EXHIBIT E-3
Vick

2 JULY 2021

MICHAEL-TONY VÉLEZ

03 A6481

P.O. Box 2000

DANNENORA, NY 12929

OFFICE OF THE INSPECTOR GENERAL
EMPIRE STATE PLAZA
AGENCY BUILDING 2 - 16TH FLOOR
ALBANY, NEW YORK 12223

Dear Ms./Mr.:

Enclosed find copies Grievance and a Complaint which is being filed against the Director of IGRC SHELLY MALLOZZI, and IGRC SUPERVISORS TARA M. BROUSSEAU, and CHRISTINE M. GREGORY, and the Grievances is against Superintendent Bell.

I am sending this to you so you can see the on going situation, and hopefully investigate and make the proper corrections, as all actions and events cost Tax payers, and this should stop.

I thank you for your time and Cooperation.

RESPECTFULLY

MICHAEL-TONY VÉLEZ

C.C.A.MTV/FILE

ENCLS.

Michael Jones
EXHIBIT E-3
Voter

E-3

2 July 22

MICHAEL TONY VELEZ

03 A6481

P.O. Box 2000

DANNEMORA, NY. 12929

ANTHONY ANNUCCI

ACTING COMMISSIONER

1220 WASHINGTON AVENUE

STATE OFFICE CAMPUS BUILDING #2

ALBANY, NEW YORK 12226

RE: GRIEVANCE

Dear Commissioner Annucci:

I am filing this complaint with you, as your Grievance Director and Supervisors continue to refuse to do their job as follow:

IGRC Supervisors Tara M. Brousseau and Christine M. Gregry. As well as, Director of IGRC Shelley Mallozzi, refuse to perform their duty, which entails the investigation of Grievances Not the Cover up of Criminal action by Correction Officers and Employees, as is being done not only in this facility, but every Facility in the Department, these employees are hired and paid to do a service not only to the prison population but the Tax Payers, whom pay their wages, in order to maintain a functional and safe prison.

They are not paid to cover up criminal actions by

EXHIBIT E-3

✓

E-3

Correction Staff, be they officers, superintendents, Medical or any one working for the Department.

The Grievance Program was started so that Grievances can be resolved, not covered up. The Department informed the Federal Courts that they will full fill this obligation, in upholding the Law and Constitution, yet this is not the Case, no records appear in any employees Files, and instead of employees being properly identified, the Grievance Supervisors state a single letter in place of a name.

Both IGRC Supervisors Brousseau and Gregory, have refused to address all Grievances Filed on the Denial of proper Medical Attention and Threats by Medical Staff of being placed in Special Housing if I do not give Blood, and disregarding My Serious Medical needs, grievances Filed 17 November 2020, and 3 June 2021. the arbitrary and Capricious denial of Recreation, Phone, Showers Kosher Meals, and Meals period, Sexual Harrassment. Filed 19 October 2020, 18 May 2021, and PREA Complaint on 18 May 2021. Director Mallozzi, was informed of all of her underlings refusal to do their job, by me on 29 November 2020 and 21 June 2021, which makes clear the Mokery of the entire Grievance Mechanism, and its only real function is to rob, tax payers of Money For job placements which have no real Function in actuality.

Under Grievance #SPT-626-18-16 the Grievance Committee stated that they "DON'T HAVE TO SPEAK OR INVESTIGATE GRIEVANCES, OR INTERVIEW WITNESSES". Under both my 18 MAY

Michael J. Jones
EXHIBIT E-3
E-3

2021 Grievances, I made it clear, I want the Video tapes used as evidence, as all actions and events complained of were Video and Audio taped, and to date no Grievance Number or answer has been issued, this same policy and procedure is followed state wide as the Federal Courts have in a number of their rulings have noted, and those that are addressed are delayed for years. Case in point in 2017, I appealed Grievance #EL-47135-17 in ELMIRA C.F. Director Mallozzi, Claims to have received said Appeal on "5/10/2021", Clearly it does not take over 3 years for electronic Mail to be sent from one Facility to Central Office. nor regular Mail, as all interdepartmental Mail is sent via Albany Pouch, there is no viable reason for this delay other than to deny me access to the Courts.

The entire Grievance Program should be abolished, as it has no real function in the Department other than a ruse to Rob. the Tax payers, via Fabricated Documentation and False Reports.

And as each and every Facility claims they cannot investigate, nor address any Staff Misconduct, there is no real reason to continue the spending of Millions annually on a program that does not work, the only viable means for complaints was Correction Law §114A, which has not been used as the Department assured everyone that the Grievance Program will address these issues it refuses to address and only coverup Staff Misconduct.

Michael Jones
EXHIBIT E-3
[Signature]

E-3

4

It's clear the entire Grievance Program is a Mockery in total and needs to be abolished as the entire Grievance Mechanism is a farce, and a Mockery of the Tax Dollars spent on it and its staff.

I look forward to hearing from you shortly.

SINCERELY

MICHAEL TONY VELEZ

C.C.: OFFICE OF INSPECTOR GENERAL

NYS COMMISSION ON CORRECTION

Michael Long
EXHIBIT E-3
J. Lee

TO: INMATE GRIEVANCE PROGRAM

FROM: M. VELEZ, 03A6481

CELL: C-6-28

RE: DENIAL OF RECREATION FOR 30 DAYS

DATE: 7 JULY 2021

NATURE OF GRIEVANCE:

From 7 JUNE 2021 to 7 JULY 2021,
I was Arbitrarily and Capriciously denied My Mandatory
Keep Lock Recreation.

I wrote Superintendent Bell, As I was told
his policy is to Violate §137(6)(g) and Recreation,
unless, we are keep locked in his Special Housing
Unit Blocks i.e. E-Block, D-Block or the Unit.

Superintendent Bell, designated Dep. King to
investigate his Mandate and I was still denied Recreation
For the entire 30 days.

ACTION REQUESTED:

That the present Policy which Violates
the Law and the U.S. Constitution Stop.


That every one on keep lock be
allowed Mandatory phone Call and Recreation.

GRIEVANTS SIGNATURE

C.C.: A. ANNUCCI

MTV/FILE.

Michael - Tony
EXHIBIT E-4
E-4

| | | | |
|--|--|----------------|---|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM E. BELL SUPERINTENDENT | GRIEVANCE NO. CL-0632-21 | | DATE FILED 7/8/2021 |
| | FACILITY Clinton Correctional Facility | | POLICY DESIGNATION 1 |
| | TITLE OF GRIEVANCE DENIED PHONE/REC/SHOWERS | | CLASS CODE 49 |
| | SUPERINTENDENT'S SIGNATURE <i>[Signature]</i> | | DATE 8/25/21 |
| GRIEVANT VELEZ, M. | | DIN 03A6481 | HOUSING UNIT C-6-28 D-1-28 |

Grievance states he is being denied his mandatory phone call, mandatory recreation, and mandatory showers while he is keeplocked. Grievant also states that Clinton is the only prison that as a Keeplocked I/I he gets chained and handcuffed when out of cell.

Grievant was interviewed by a security supervisor in reference to his grievance. Grievant would not supply any specific dates or identify staff. Staff were interviewed and deny harassing, acting unprofessional, and denying grievant showers or phone calls. Without specific dates, grievant's allegations of being denied recreation could not be confirmed or denied.

Grievant received a misbehavior report on 6/7/21 from the named staff. A hearing was completed on 6/30/21 in which grievant received keeplock sanctions. A disciplinary hearing may be appealed in accordance with Title 7 NYCRR, Chapter V, and the appeal mechanism affords the I/I the opportunity to remedy any factual or procedural errors in a disciplinary report or hearing.

Handcuffs are utilized for one-on-one escorts of I/I under SHU status regardless of housing units, and all I/Is under disciplinary status.

There is no evidence of any malfeasance on the part of staff.

Page 1 of 2

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. *Please state why you are appealing this decision to C.O.R.C.

This is the 4th Grievance I put in as I was arbitrarily and capriciously denied Recreation, Mandatory phone call and kosher meals, and Showers and the last 2 as a result of refusing a

GRIEVANT'S SIGNATURE

Page 1 of 2 *27 August 2021*
DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

Michael Jones
EXHIBIT E-4

E-4

GRIEVANCE #CL-0632-21

PAGE 2 of 2

C.O.'s Sexual advances, all of which was Video taped, and in retaliation for writing it up the next fabricated report was written up, and I was denied Recreation, Showers, phone calls and Kosher Meals all together. The Video and daily log clearly show I requested Recreation every day and was denied, and my complaint to Defendant Bell and his reply clearly document my constant denial, as his procedure is if you are not in special Housing you do not get recreation as this facilities Grievance offenders are fully aware of and refuse to address as well as the PREA complaints, making plain that all the PREA Notice plastered all over the Facility is nothing but a Sham, as no investigation was done, nor any of my Grievances were answered, even on this grievance the Grievance Supervisor redacted the Sexual Advances by the C.O., and everything is Video taped which they refused to view as I requested they do. I ask C.O.R.C. to view all Video tapes. And the use of chains and handcuffs on non Special Housing inmates is an abuse of power, and a threat to one's safety. It's a fact I see an enemy chained and cuffed I will try to kill him, The same as he would me.

27 August 2021


GRIEVANTS SIGNATURE

DATE

Michael - Jones
EXHIBIT E-4

E-4

M. VELEZ 03A6481 D-1-28

| | | | |
|--|---|---|--------------------------|
|  Corrections and Community Supervision KATHY HOCHUL Governor ANTHONY J. ANNUCCI Acting Commissioner | Grievance Number CL-0632-21 | Desig./Code I/49 | Date Filed 07/08/21 |
| | Associated Cases | | Hearing Date 10/21/21 |
| | Facility Clinton Correctional Facility | | |
| INCARCERATED GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE | | Title of Grievance Denied Phone/Recreation/Shower While Keyplocked | |

GRIEVANT'S REQUEST UNANIMOUSLY DENIED

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that CO's M..., R..., and T... deny harassing the grievant, refusing the grievant requested telephone calls or showers, or being unprofessional. Further, the grievant did not specify the dates they were allegedly denied recreation and asserts that the go-around sheets for recreation are no longer available to confirm if the grievant requested recreation. It is noted that handcuffs are utilized for all one-on-one escorts of incarcerated individuals under keeplock status, regardless of housing units, and that all incarcerated individuals under disciplinary or Involuntary Protective Custody status within D and E Blocks. CORC has not been presented with sufficient evidence of malfeasance by staff, and advises the grievant to address security concerns to area supervisory staff, at that time, for the most expeditious means of resolution.

CORC also notes that the grievant was issued a Tier III misbehavior report on 6/7/21, which was affirmed upon appeal by the Office of Special Housing/Incarcerated Individual Disciplinary Programs. CORC advises the grievant that incarcerated individuals are solely responsible for their actions while in the Department's custody and to maintain a positive custodial adjustment to avoid future similar difficulties.

CORC upholds the discretion of the facility administration to determine when to review video or audio recordings for grievance investigations.

With regard to the grievant's appeal, CORC notes that their concerns have been appropriately addressed.

RAL/cmv

RECEIVED

DEC 20 2021

This document has been electronically signed by Shelley M. Mallozzi

Inmate Grievance
Supervisor

Michael Jones
EXHIBIT E-4

Volpe

E-4



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

July 14, 2021

Mr. Michael Velez
DIN# 03A6481
Clinton Correctional Facility
1156 Route 374
P.O. Box 2000
Dannemora, NY 12929-2000

Dear Mr. Velez:

This letter is in response to correspondence dated July 8, 2021, that was received at the Commission of Correction regarding your medical concerns.

Please be advised that it is not the intent of the Commission to circumvent the facility's sick call or grievance processes. As such, all remedies at the facility and department level should be exhausted before writing to the Commission. You are encouraged to file a grievance regarding your concerns about your medical care and to await the response.

Additionally, if you have further concerns, you may forward them in writing to the Facility Health Service Director or to:

Dr. John Morley
Deputy Commissioner/Chief Medical Officer
Department of Corrections and Community Supervision
State Campus Bldg. #9
Albany, New York 12206

Thank you for bringing your concerns to our attention.

Sincerely,

Forensic Medical Unit

145836

Michael Jones
EXHIBIT E-4

10/28



**Commission of
Correction**

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

July 14, 2021

Mr. Michael Velez
DIN# 03A6481
Clinton Correctional Facility
P.O. Box 2000
Dannemora, New York 12929

Dear Mr. Velez:

This is in response to your letter received on July 8, 2021 by the Commission.

Please be advised that the Commission of Correction has forwarded your complaint letter to the Office of Special Investigations for review and handling.

Please be further advised any future correspondence regarding this matter should be addressed directly to the Office of Special Investigations. You may write to them at the following address:

Chief of Investigations / Office of Special Investigations
NYS Department of Corrections and Community Supervision
State Campus, Building 9
Albany, New York 12226

Sincerely,

Bureau of Field Operations
145836

Michael - Team
EXHIBIT E-4

Volpe

E-4

TO: INMATE GRIEVANCE PROGRAM

FROM: M. VELEZ, 03A6481

CELL: D-1-28

DATE: 11 AUGUST 2021

NATURE OF COMPLAINT:

On 10 August 2021, I was placed in D-1-28 Special Housing, as a result of my refusal to give blood. I never refused the T.B. Test.

I informed J. Sargent, Lab Tech, that I receive the actual T.B. Shot, or the Chest X-Ray, he told me that my provider ordered blood. Which I informed her I will not give.

Now, I am placed in SHU under the guise of quarantine. Yet, quarantine is in Lower F-Block or the Hospital, Not Special Housing.

I do not have any Misbehavior Report, so I should not be in Special Housing at all, I have a liberty interest, to the very same conditions as every one in Lower F-Block and the Hospital on quarantine, which includes daily Kiosk, Phone calls and Showers. There is no way to justify my being placed in Special Housing without a Misbehavior Report, or any disciplinary violation.

This is being done in retaliation for my Grievance Complaints against Medical for their refusal to address my serious medical needs, which do not require any blood test at all, I

Michael Jones
EXHIBIT E-5
Vols

E-5

GRIEVANCE COMPLAINT CONTINUED Page 2 of 2

have a lumbar injury which was being treated prior to my coming to jail, and the Hospital on the Street did not require any blood work to treat my serious Medical Condition which this Facility refuses to do. They wont even let me see a Doctor, and now I am placed in Special Housing without any reason or justification.

ACTION REQUESTED:

1) If I am on quarantine, that I be placed in the quarantine company in Lower F Block or the Hospital as every one on quarantine is.

2) That this retaliatory practice of placing any one in Special Housing for any Medical issue stop.

GRIEVANTS SIGNATURE

C.C.; ANNUCCI

NYS COMMISSION OF CORRECTION

0

Michael Young
EXHIBIT E-S
V. [Signature]

E-S

I.G.R.C. Response:**Name: Velez, M.****DIN: 03A6481****CL - 0789 - 21****CODE-22**

The Facility investigation has revealed that: NYS DOCCS now utilizes the Tuberculosis Quantiferon testing for incarcerated individuals in DOCCS custody. I/Is who refuse this testing will be placed on TB hold in accordance with HSPM 1.18. Grievant was placed on TB hold as of 8/10/21 and moved to D block not a SHU. I/Is on TB hold are not to be placed in infirmary housing or in SHU. I/Is on TB hold must remain in their cell at all times except for one hour of solitary recreation per day and three solitary showers per week. Leaving the cell for telephone calls is not permitted.

Date returned to inmate: 9/10/21I.G.R.C. Members: Guy
S. Delacruz
J. P. Smith
J. P. SmithChairperson: C. Chiu*Return within 7 days and check appropriate boxes.*

I disagree with IGRC response and wish to appeal to the Superintendent.



I have reviewed deadlocked responses. Pass-Thru to Superintendent.



I agree with the IGRC response and wish to appeal to the Superintendent.



I apply to the IGP Supervisor for review of dismissal.

Grievant's Signature: Miguel VelezDate: 17 Sep. 21

Grievance Clerk's

Receipt: _____

Date: _____

To be completed by Grievance Clerk

Grievance Appealed to the Superintendent: _____

Date


Grievance forwarded to the Superintendent for action: _____

Date

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

Michael - Tony Telas
EXHIBIT E-5

E-5

| | | |
|--|---|--------------------------------|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM D. MCINTOSH Superintendent | Grievance No. CL- 0789-21 | Date Filed 9/2/2021 |
| | Facility Clinton Correctional Facility | Policy Designation I |
| | Title of Grievance TB HOLD | Class Code 22 |
| | Superintendent's Signature <i>D. McIntosh, Supt.</i> | Date 9/27/21 |
| Grievant: VELEZ, M | DIN # 03A6481 | Housing Unit: D-1-28 |

Grievant states that on 8/10/21 he was placed in special housing as a result of him refusing to give blood but never refused the TB test. Grievant also claims he receives actual TB tests or chest x-rays but was told his provider ordered blood, which grievant would not give.

NYS DOCCS now utilizes the tuberculosis Quantiferon testing for incarcerated individuals in DOCCS custody. I/Is who refuse this testing will be placed on TB hold in accordance with HSPM 1.18. Grievant was placed on TB hold as of 8/10/21 and moved to D block, not a special housing unit. I/Is on TB hold are not to be placed in infirmary housing or in SHU. I/Is on TB hold must remain in their cell at all times except for one hour of solitary recreation per day and three solitary showers per week. Leaving the cell for telephone calls is not permitted.

Enforcement of the rules and regulations should not be construed as retaliation by the grievant.

There is no evidence found to indicate any malfeasance on the part of staff.

Appeal Statement

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.

I was arbitrarily and capriciously placed in OBS for T.B. on 22 September to 22 October 2021 and all T.B. test came back negative yet I am still on D-1 special housing on T.B. hold.

Grievant's Signature


26 OCTOBER 2021
Date

Grievance Clerk's Signature

Date

Michael J. Jones
EXHIBIT E-5

M. YELEZ 03A6481 D-1-28

| | | | |
|---|---|---------------------|--------------------------|
|  <p>NEW YORK STATE Corrections and Community Supervision</p> <p>KATHY HOCHUL Governor</p> <p>ANTHONY J. ANNUCCI Acting Commissioner</p> | Grievance Number CL-0789-21 | Desig./Code I/22 | Date Filed 09/02/21 |
| | Associated Cases | | Hearing Date 12/09/21 |
| <p>INCARCERATED GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE</p> | Facility Clinton Correctional Facility | | |
| | Title of Grievance TB Hold | | |

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon a full hearing of the facts and circumstances presented in the instant case, and upon recommendation of the Division of Health Services, the action requested herein is accepted in part.

CORC notes that the grievant's complaint has been reviewed by the Division of Health Services' staff, who advise that a complete investigation was conducted and the grievant is receiving appropriate treatment when they do not refuse such. CORC further notes that the grievant refused QuantiFERON testing and was appropriately placed on a TB hold. It is also noted that they were pre-hearing confined from 9/28/21 through 10/27/21 as a result of a Tier III misbehavior report for threats.

CORC recommends that the grievant address any further medical concerns to medical staff via established sick call procedures. In addition, CORC asserts that incarcerated individuals are not entitled to the housing location of their choice and upholds the discretion of the facility administration to determine the housing location of incarcerated individuals.

RAL/

RECEIVED

JAN 28 2022

Inmate Grievance
Supervisor

Michael Jones
EXHIBIT E-5

TO: INMATE GRIEVANCE PROGRAM

FROM: M. VELEZ, 03A6481

CELL: D-1-28

DATE: 17 SEPTEMBER 2021

NATURE OF GRIEVANCE:

I was arbitrarily and capriciously moved from a General Population Cell i.e. C-6-28 and placed in a Special Housing Company i.e. D-1-28 on 10 August 2021 under the guise of refusing a T.B. test which I never refused. I am being deprived of Commissary, and those serving a Disciplinary Sanction that do not have loss of Commissary receive a full buy. It's been over 30 days and I have not received a single buy. My last buy was 12 August 2021, and I've been denied every buy since. I am under harsher conditions than those in SHU, whom are allowed a limited buy, and all those on keep lock that receive a full buy as long as they do not have loss of Commissary. I am being arbitrary and capriciously being deprived of my liberty interest without a Misbehavior Report, and it's a fact every one in General Population on Medical Keep lock receive their full buy, and those on quarantine in General Population cells receive kiosk, commissary and phone every day.

Michael J. Velez
EXHIBIT E-6

PAGE 202

M. Vélez, 03A6481 GRIEVANCE COMPLAINT CONTINUED
and Kiosk every day, Making clear I am being
arbitrarily and Capriciously penalized without a
Misbehavior Report nor Written Reason.

ACTION REQUESTED:

- 1) That I be allowed my Full Commissary
buy.
- 2) That I be placed in a General Population
Cell, and not Special Housing block.
- 3) That I be given the T.B. test or
the Swab and Chest X-Ray as Mandated by Law.
- 4) That this ongoing harrassment
against me Stop.

GRIEVANTS SIGNATURE

C.C.I. COMMISSION OF CORRECTION

Michael J. Long
EXHIBIT E-6

10/28

OFC RECOMMENDED SPECIAL CONDITIONS

| | | |
|-----------------------------|--------------|------------------|
| INMATE NAME: Yulez, Michael | DIB: 33A6481 | NYSID: 04073194M |
|-----------------------------|--------------|------------------|

SPECIAL CONDITIONS: 6, 8, 10, 15, 18, 27 (GEC)

- ☒ SC1 - I will seek, obtain, and maintain employment and/or an academic/vocational program.
- ☒ SC2 - I will submit to Substance Abuse Testing, as directed by the PAROLE OFFICER.
- ☒ SC3 - I will participate in a Substance Abuse Treatment program, as directed by the PAROLE OFFICER.
- ☒ SC4 - I will participate in an Alcohol Abuse Treatment program, as directed by the PAROLE OFFICER.
- ☒ SC5 - I will NOT consume alcoholic beverages.
- ☒ SC6 - I will NOT frequent any establishment where alcohol is sold or served as its main business without the permission of the PAROLE OFFICER.
- ☐ SC7 - I will NOT operate any motor vehicle, apply for, renew, or possess any drivers' license, without the written permission of the PAROLE OFFICER.
- ☒ SC8 - I will abide by a curfew established by the PAROLE OFFICER.
- ☐ SC9 - I will support my dependent children.
- ☒ SC10 - I will participate in anti-aggression/anti-violence counseling, as directed by the PAROLE OFFICER.
- ☐ SC11 - I will cooperate with a mental health evaluation referral and follow up treatment as directed by the PAROLE OFFICER.
- ☐ SC12 - I will participate in Sex Offender Counseling/Treatment, as directed by the PAROLE OFFICER.
- ☐ SC13 - I will have NO contact with any person under the age of eighteen, without written permission of the PAROLE OFFICER.
- ☐ SC14 - I will comply with all case specific sex offender conditions to be imposed by the PAROLE OFFICER.
- ☒ SC15 - I will NOT associate in any way or communicate by any means with victim(s) Joseph Boorman without the permission of the PAROLE OFFICER.
- ☐ SC16 - I will NOT associate in any way or communicate by any means with associate(s) _____ without the permission of the PAROLE OFFICER.
- ☐ SC17 - I will NOT associate in any way or communicate by any means with other(s) _____ without the permission of the PAROLE OFFICER.
- ☒ SC18 - I will cooperate with all medical referrals and treatment recommendations.
- ☐ SC19 - I will participate in Domestic Violence counseling, as directed by the PAROLE OFFICER.
- ☐ SC20 - I will comply with all court orders including those ordering fines, surcharges, and/or restitution.
- ☐ SC21 - I will NOT be a member of any gang or associate with any known gang member or attend any gang activity or function. I will not wear, display, possess, distribute, or use any gang insignia or material.
- ☐ SC22 - I will NOT act in any fiduciary capacity without the permission of the PAROLE OFFICER.
- ☐ SC23 - I will NOT have a checking, savings, debit, or credit card account, without the permission of the PAROLE OFFICER.
- ☐ SC24 - I will NOT be involved in any gambling or gambling related activity without the permission of the PAROLE OFFICER.
- ☐ SC25 - I will participate in a D.W.I. Victim Impact Panel as directed by the PAROLE OFFICER.
- ☐ SC26 - I will comply with all Orders of Protections.
- ☒ SC27 - OTHER: I will abide by Geographic restrictions per parole officer.
- ☐ SC28 - I will abide by the mandatory condition imposed by the Sexual Assault Reform Act.
- ☐ SC29 - I will propose a residence to be approved by the NYS Department of Corrections and Community Supervision and will assist the Department in any efforts it may make on my behalf to develop an approved residence.
- ☐ SC30 - I will reside only in the residence approved by the NYS Department of Corrections and Community Supervision.
- ☐ SC31A - I will proceed directly to the I.C.E. Warrant and if released prior to the maximum expiration date of my sentence or if released prior to the post-release supervision maximum expiration (P.R.S.M.E.) date, I will within 24 hours of my release, report to the area office as noted on my Certificate of Release. If deported, I understand that I cannot re-enter the United States unless my re-entry is authorized under 8 U.S.C. 1326. If I am convicted of illegally re-entering the United States, 8 U.S.C. 1326 authorizes the United States District Court to impose a fine, period of imprisonment up to ten (10) years, or both.
- ☐ SC31B - I further understand that I cannot re-enter the United States prior to the maximum expiration of my sentence, unless I receive prior written permission from the NYS Board of Parole. Also, I fully understand that re-entry to the United States, prior to the maximum expiration of my sentence, may be the basis for a revocation of my release.
- ☐ SC32 - I will NOT use or possess any medication or supplements designed or intended for the purpose of enhancing sexual performance or treating erectile dysfunction without the written permission of the PAROLE OFFICER and the approval of his or her area supervisor.
- ☐ SC33 - I will participate in the Department of Corrections and Community Supervision's Polygraph Program, as directed by the PAROLE OFFICER. I understand that this will include periodic polygraph sessions consisting of a pre-examination interview, polygraph examination and post-test interview with the polygraph examiner or the PAROLE OFFICER.
- ☐ SC34 - Prior to release, I shall provide a sample, appropriate for D.N.A. testing, to be included in the NYS D.N.A. Index, pursuant to 9 N.Y.C.R.R. 6192.1 (W).
- ☐ SC35 - I will NOT use the internet to access pornographic material, access a commercial social networking website, communicate with other individuals or groups for the purpose of promoting sexual relations with persons under the age of eighteen, and communicate with a person under the age of eighteen unless I receive written permission from the NYS Board of Parole to use the internet to communicate with a minor child under eighteen years of age, who I am the parent of and who I am not otherwise prohibited from communicating with.
- ☐ SC36 - I shall NOT be released until such time as any residence that has been or may be approved on my behalf can be evaluated by the NYS Department of Corrections and Community Supervision to determine its appropriateness in light of any determinations made by a court of competent jurisdiction pursuant to Article 10 of the Mental Hygiene Law.

L

Michael J. Long
EXHIBIT F

21 JUNE 2021

MICHAEL TONY VELER

03 A 6481

P.O. Box 2000

DANNEMORA, N.Y. 12929

SHELLEY MALLOZZI

DIRECTOR IGR

1220 WASHINGTON AVENUE BUILDING 2

ALBANY, NEW YORK 12226

RE: GRIEVANCE APPEALS

Dear Ms Mallozzi:

I am Appealling to you the following Grievances which I Filed at this Facility, yet both your imbecile IGR Supervisors i.e., Tara M. Brousseau and Christine M. Gregvry, refuse to address. As well as you! I wrote you on 29 November 2020 as a result of this Facility and its refusal to address my Grievances, and its refusal to address my 19 October 2020 Grievance amongst others. But, the 19 October 2020 Grievance addressed this Facilities Superintendents willful disregard of Correction Law §137(6)(g) as his policy is only prisoners in special Housing i.e. E-Block D-Block or the Unit, are allowed Mandatory Phone call, Mandatory Recreation.

I am Appealling the following Grievances:

1) 19 October 2020 Denial of Mandatory Phone Call after 24 Hours of Confinement;

Michael J. Toney
EXHIBIT G-1
V. [Signature]

G-1

2.

2) 17 November 2020 Denial of Medical Attention after Medical Emergency in yard;

3) 18 May 2021 PREA Complaint against officer, Fabricated Misbehavior Report, Denial of Religious Kosher Meals, Denial of Mandatory Phone Call, Denial of Mandatory Recreation, and Facility Policy that only prisoners in Special Housing receive recreation and phone calls after 24 hours of confinement;

4) 18 May 2021 PREA Complaint, do to Sexual harrasment by officer.

I am addressing this Appeal to you, and you have 30 days to reply, in the event you do not, I will be taking legal action against you as well, as you and the rest of the Imbeciles you have working for you continue to cover up the Criminal acts of the Correction officers be they whatever rank and or title, which is not your job function, and it is your Failure to do a job entrusted upon you that these Criminals continue to work and continue their criminal acts.

Note that all events listed in both (3) and (4) were Vides Recorded.

SINCERELY

MICHAEL-TONY VELEZ

C.L.I. CORRECTIONS ASSOSSIATION

COMMISSION ON CORRECTIONS

Michael Jones
EXHIBIT G-1
J. Jones

G-1

31 JANUARY 2022

MICHAEL VELEZ

03 A6451

P.O. Box 2000

DANNEMORA, N.Y. 12929

SHELLEY MALLOZZI

DIRECTOR, INMATE GRIEVANCE PROGRAM

1220 WASHINGTON AVENUE

ALBANY, NEW YORK 12226-2050

RE: GRIEVANCES APPEAL

Dear Ms. Mallozzi:

Enclosed please find a copy of the following
Grievances:

- 1) GRIEVANCE DATED 25 September 2021; and
- 2) GRIEVANCE DATED 22 OCTOBER 2021.

Your Grievance Supervisor refuses to file my
Grievances. So I am now addressing them to you.

I look forward to hearing from you shortly.

SINCERELY

MICHAEL VELEZ

C.C.: NYS COMMISSION OF CORRECTION

MTV/FILE

ENCLS.

Michael Jones
EXHIBIT G-2

G-2

TO: INMATE GRIEVANCE PROGRAM

FROM: M. Velez, 03A6481

CELL: ISO 3

DATE: 25 SEPTEMBER 2021

NATURE OF COMPLAINT:

On 21 September 2021 I was denied a Parole Board appearance, under the guise of not being available and/or located, on 22 September 2021, I was arbitrarily and capriciously placed in Hospital ISO 3, under the guise of having T.B. I am in a filthy cell, with dried blood in the toilet, soap scum all over the shower, the entire edge of the cell is black with dust and dirt which was never cleaned. The Nurse Administrator and Doctors are keeping me from contacting my family, refuse to allow me out for mandatory recreation, refuse to allow me back to general population, as they already know I do not have T.B. as the C.D.C. has established policy and procedures for all contagions and within 24 hours this facility knew that I did not have T.B., further video log demonstrates on 22 September at 9:10 (am) I left D-1. Went to D-2. At 9:17 (am) I as well as 2 others D-1-29 and D-1-30 were in the Hospital Bullpen with the rest of general population. So if I was infected I could have not only passed it on to the D-Block officers, but the inmates in the Bullpen, yet this facility medical staff in total disregard to the safety and security to not

Michael T. Long
EXHIBIT C-2
6-2

NATURE OF GRIEVANCE CONTINUED.

only the C.O.'s But their Family as well, and are disregarding their obligation to me and security as they seek to harass and intimidate me as I am denied everything. I don't know why there is no T.V. in this Hospital Cell as T.V.'s were paid for I am denied Music, I am denied recreation, I am denied a change of clothes, I am denied Soap, Shampoo, Deodorant, Towels. So in truth I am not on any real Medical Status, I am being arbitrary and capriciously penalized by Medical in retaliation for my Grievances do to their arbitrary and capricious antics and as such, I am starting to fear for my life and safety and cannot be held accountable for my actions as I am cut off from all means of communication.

ACTION REQUESTED:

That this Facilities Medical Department stop these terroristic antics, and harassment.

That staff be made aware at once if they are exposed to T.B. or any other infections or contagions. that may be passed on to their Family.

That Medical staff run the Hospital as mandated by the State of New York, and not their own terroristic antics, and I be informed at once of my T.B. Status.

GRIEVANTS SIGNATURE

Michael J. Tompkins
EXHIBIT G-2
6-2

31 JANUARY 2022

MICHAEL VÉLEZ

03A6481

P.O. Box 2000

DANNEBORO, N.Y. 12929

MS. YOLANDA CANTY

COMMISSIONER

NEW YORK STATE COMMISSION OF CORRECTION

80 SOUTH SWAN STREET - 12TH FLOOR

ALBANY, NEW YORK 12210

Dear Ms. Canty:

Enclosed please find a copy of my 25 September 2021, and a letter to Shelley Mallozzi, Grievance Director, as you can note I'm appealing both the 22 October and 25 September 2021 Grievances to her.

I am still being held on T.B. Hold, even after its Documented I do not have it, and am being denied my Mandatory Parole Hearing now its 30 Months and the law only allows 24 Months at a time, and I continue to be denied Religious Services, and Commissary and everything else I'm entitled to.

I thank you for your time and assistance.

RESPECTFULLY

C.C.: MTU/FILE
ENCLOS.

MICHAEL VÉLEZ 64

Michael J. Long
EXHIBIT G-2
J. Long



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

February 16, 2022

Mr. Michael Velez
DIN# 03A6481
Clinton Correctional Facility
1156 Route 374
P.O. Box 2000
Dannemora, NY 12929-2000

Dear Mr. Velez:

This is in response to a letter that was received by the Commission on February 10, 2022.

Please be advised that you should exhaust all remedies available to you at the facility level as well as the Department level (**grievance**, facility superintendent, Commissioner of NYS DOCCS, etc.) before writing the Commission of Correction. We suggest you forward your concerns in writing to your Facility Health Service Director, Facility Superintendent or to:

Dr. John Morley, M.D.
Acting Deputy Commissioner/Chief Medical Officer
Department of Corrections and Community Supervision
State Office Campus, 1220 Washington Ave.
Albany, New York 12226-2050

Sincerely,

NYSCOC Forensic Medical Unit

157555

Michael J. Jones
EXHIBIT G-2

G-2



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

February 16, 2022

Mr. Michael Velez
DIN# 03A6481
Clinton Correctional Facility
1156 Route 374
P.O. Box 2000
Dannemora, NY 12929-2000

Dear Mr. Velez:

This is in response to a letter that was received by the Commission on February 10, 2022.

Please be advised that you should exhaust all remedies available to you at the facility level as well as the Department level (**grievance**, facility superintendent, Commissioner of NYS DOCCS, etc.) before writing the Commission of Correction. We suggest you forward your concerns in writing to your Facility Health Service Director, Facility Superintendent or to:

Dr. John Morley, M.D.
Acting Deputy Commissioner/Chief Medical Officer
Department of Corrections and Community Supervision
State Office Campus, 1220 Washington Ave.
Albany, New York 12226-2050

Sincerely,

NYSCOC Forensic Medical Unit

157555

Michael J. Terry
EXHIBIT G-2

G-2

TO: INMATE GRIEVANCE PROGRAM

FROM: M. VELEZ, 03A6481

CELL: D-1-28

DATE: 22 OCTOBER 2021

NATURE OF COMPLAINT:

In retaliation for Grievance #CL-0542-21 I was placed in D-Block Special Housing on 10 August 2021, after receiving C.O.R.C. Memorandum on 6 August 2021. In Further retaliation on 22 September 2021 For the Filing of Grievance #CL-0789-21 I was arbitrarily and capriciously placed in OBS 3, a filthy cell which had blood stains in the toilet a mattress full of rust and from 22 September 2021 to 30 September 2021 the 11 (pm) C.O. constantly banged on the window and shined his light in my face arbitrarily and capriciously depriving me of sleep every night.

From 22 September 2021 to 22 OCTOBER 2021 I was arbitrarily and capriciously denied all access to the Courts, Law Library, Mandatory Recreation, Phone Calls, arbitrarily and capriciously denied me from writing my family and friends. I was not allowed to send a single personal letter out. I was arbitrarily and capriciously denied commissary, denied T.V. and Radio, denied my

Michael J. Stacy
EXHIBIT H-1

GRIEVANCE COMPLAINT CONTINUED

Torah, all Religious Holy day Call outs For Sukkot arbitrarily and Capriciously denied Medical attention I was not given my T.E.N.S. unit until 29 September 2021 and Tylenole on 30 September 2021.

I was arbitrarily and Capriciously Forced to wear the same clothes without washing them From 22 September 2021 to 22 October 2021. I was Forced to live in a Filth Cell, with the same Sheets and blankets the entire time, no washing, Cleaning nor exchange. I was arbitrarily denied Shampoo, Deodorant & C.O.'s Finally gave me Soap, books, and Garbage bags to take all the Feedup trays out of my cell.

I was arbitrarily denied From going to the T.V. parole Hearing 2 times, yet on 30 August 2021 and 22 September 2021 I was in the Hospital Bull Pen with General Population. Showing their predetermination, and put as one of my Conditions for Parole is that I must Follow ALL their Medical Mandates. And placing me in OBS under T.B. and Violating all my Constitutional Rights and protection against Cruel and unusual punishment, and trying to force me to Assault Staff to justify an additional 24 Months, as my records Show over 30 Assaults on Staff with and without weapons, and its clear Medical is in cahoots with the Parole in

Michael J. Terry
EXHIBIT H-1

H-1

10
21

GRIEVANCE COMPLAINT CONTINUED

this regard, which is the Very Conduct the New York State Legislators Sought to prevent when they Mandated Parole and Corrections are to be separate not unlawfully Combined as Corrections has done.

Once again I am arbitrary and Capriciously placed on D-1 Special Housing on T.B. Quarantine and Medical already Conducted and paid For the testing all of which came back negative For T.B. it is the only reason they released Me From the Hospital, which Clearly demonstrates the entire T.B. excuse is to harass me and Violate my Constitutional Rights.

ACTION REQUESTED:

- 1) That I be released From D-1 Special Housing and placed in General Population;
- 2) That the Arbitrary and Capricious acts by Medical Stop.
- 3) That everyone placed in the Hospital be given their property, T.V., Radio, Soap, desodorant, Shampoo, be allowed to write Family, Friends, The Courts, and access to Law Library and Commissary.

GRIEVANTS SIGNATURE

C.C. US DISTRICT COURT

NYS COMMISSION OF CORRECTION

Michael J. Long
EXHIBIT H-1
J. Long

H-1

10 JANUARY 2022

MICHAEL-TONY VÉLEZ

03A6481

P.O. Box 2001

DANNEMORA, NY 12929

Ms. JOLANDA CANTY

COMMISSIONER

NEW YORK STATE COMMISSION OF CORRECTION

ALFRED E. SMITH STATE OFFICE BUILDING

80 SOUTH SWAN STREET, 12TH FLOOR

ALBANY, NEW YORK 12210-8001

Dear Ms. Canty:

I am writing you as a result of being housed in a Long Term Keep Lock Company since 10 August 2021, without any Misbehavior Report, and denied Commissary. I have enclosed a copy of my 22 October 2021 grievance, which like all my grievances dealing with Constitutional Violations this Facilities Grievance Supervisor C. Gregory refuses to address.

The Grievance addresses most of what has happened and continues to happen, it's a fact that between 22 September 2021 and 22 October 2021 I was placed in Total Deprivation of all means of communication with the outside world, even Radio and T.V. under the guise of T.B., and once it was learned I did

Michael - Tony
EXHIBIT H-2
Voters

H-2

not have it which they knew on 23 September 2021, they kept me till 22 October 2021, when the spit samples came back, to let me out of the Hospital. Yet, with this knowledge, I am still on Keep Lock Status under the guise of T.B. Hold and denied everything actual Keep Lock Inmates and SHU Inmates are allowed.

I am allowed to go to Tier II, and III hearings, Sick call with other Inmates, Even a Mental Health Callout, Yet, I am not allowed to go before the T.V. Parole Hearing thus denying me Parole every Month Since September.

The crazy part is there allegedly is no more Keep Lock, yet, I've been Keep Lock Since 10 August 2021, and every Grievance I've Filed, the one herein attached have been disregarded by this Facilities Supervisors both administrative and Grievance.

I am now addressing myself to you in hope that you may assist me in this, as it is a real hardship on me and My Family. as I'm not even allowed Visits. and the Phone is during Class hours so I cannot call, well I can but. It's not fair to my Daughter as her Studies are First and Foremost as far as I am concerned.

Thanking you for your time and Help.

RESPECTFULLY

MICHAEL-TONY VELEZ 71

C.C.: MTU/FILE
ENCL5.

Michael J. Toney
EXHIBIT H-2

H-2



**Commission of
Correction**

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

January 19, 2022

Mr. Micheal Velez
DIN # 03A6481
Clinton Correctional Facility
P.O. Box 2001
Dannemora, New York 12929

Dear Mr. Velez:

This is in response to your letter received by the Commission on January 14, 2022.

Please be advised that you have followed correct procedures by notifying Superintendent D. McIntosh. It is recommended that you await a response from her.

Sincerely,

Bureau of Field Operations
156171

Michael - Tony Velaz
EXHIBIT H-3

H-3



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

February 2, 2022

Mr. Michael Velez
DIN# 03A6481
Clinton Correctional Facility
1156 Route 374
P.O. Box 2000
Dannemora, NY 12929-2000

Dear Mr. Velez:

This is in response to a letter that was received by the Commission on January 14, 2022. Your letter has been forwarded to Office of Special Investigations for their action.

Please be advised that you should exhaust all remedies available to you at the facility level as well as the Department level (**grievance**, facility superintendent, Commissioner of NYS DOCCS, etc.) before writing the Commission of Correction. We suggest you forward your concerns in writing to your Facility Health Service Director, Facility Superintendent or to:

Dr. John Morley, M.D.
Acting Deputy Commissioner/Chief Medical Officer
Department of Corrections and Community Supervision
State Office Campus, 1220 Washington Ave.
Albany, New York 12226-2050

Sincerely,

NYSCOC Forensic Medical Unit

156171

Michael J. Hayes
EXHIBIT H-3
Velas

H-3

3 March 2022

MICHAEL-TONY VELEZ

03 A 6481

P.O. Box 2001

DANNEMORA, N.Y. 12929

JOHN MORLEY, MD

ACTING DEPUTY COMMISSIONER

CHIEF MEDICAL OFFICER

1220 WASHINGTON AVENUE

ALBANY, NEW YORK 12226-2050

Dear Dr. Morley:

On 10 August 2021, I was placed on T.B. Hold, and placed in Special Housing, as a result of your Medical Staff's refusal to provide me with the World wide T.B. Test.

On 22 September 2021, I was arbitrary and Capriciously placed in this Facility Medical OBS under the guise of allegedly having T.B. and From 22 September to 22 October 2021, I was arbitrary and Capriciously denied all contact with My Family, Friends, and the Courts. I was Forced to wear the same clothes, denied T.V., Radio, kiosk, Shampoo, Deodorant, Comb, Brush, Law Library, Recreation, Commissary even my Torah, and From 21 September 2021 to present I've been denied From attending

Michael - Tony
EXHIBIT I-1

2

My Parole Board, on your Orders, policy and alleged procedure.

Once Verified I did not have T.B. I was released from the Hospital, and on your Order placed on T.B. Hold in special Housing once again. Denied Commissary, parole and everything I am allowed by Law.

I am now addressing you once again, as you are fully aware I am T.B. Negative, and you have had me placed in special Housing without any Misbehavior report, and in retaliation For my refusal to provide 3 tubes of Blood. Now this has been going on since 10 August 2021.

I will not, provide any Blood period! The T.B. test you are to provide Me with is the very same test, all Correction Officers, Medical and Mental Health Staff receive, You Cannot Mandate, nor attempt to Force any Medical treatment or procedure upon Me or anyone, that goes Contrary to My/our dictates.

The Law does not allow any one to do more than 3 days For a non Violent Misbehavior, and 14 For Violent Misbehavior, and at present I've been in Special Housing Long Term Keep Lock Since 10 August 2021 and Counting.

Michael Jones
EXHIBIT I-I

3

Now, you are Fully aware I'm T.B. Free and you have me in Special Housing. In retaliation For my Grievances, and refusal to go by your Program, you along with the Parole Commissioners have taken it upon yourselves to deny my all my Constitutional and Human Rights without just Cause.

I now ask that you have me placed back in General Population with all my rights and liberties.

SINCERELY

Michael-Tony Velez

C.C.: YOLANDA CANTY

MTV/FILE

Michael - Tony Velez
EXHIBIT I.1

3 March 2022

MICHAEL-TONY VÉLEZ

03A6481

P.O. Box 2001

DANNEMORA, N.Y. 12929

Ms YOLANDA CANTY

COMMISSIONER

NEW YORK STATE COMMISSION OF CORRECTION

80 SOUTH SWAN STREET - 12TH FLOOR

ALBANY, NEW YORK 12210-8001

Dear Ms. Canty:

Enclosed please find a copy of my letter to:
"Dr. Morley"

As you will be able to see, I've been unlawfully placed in Special Housing. On his Orders, and continue to be denied from attending my lawful Parole Hearing. As you may be aware, the Parole Board can only sentence us to 24 Months at a time, and its now 32 Months and counting. I can go to Tier Hearing, be in Medical Bull Pen with General Population, go to Mental Health, but not an unlawful Televised Parole Hearing, and continue to be denied Commissary, and each and every liberty

Michael - Tony P. Edgar
EXHIBIT I-1

2

Interest, I'm entitled to. It's a Fact, every one in this Block that does not have loss of Commissary receives a Full buy. And as the Law only allows 3 days for non Violent and 14 days For Violent Conduct I don't Fall in either yet am in special Housing long term keep lock, and D.O.C.C.S. Grievance Director Mallozzi, Said I can be housed wherever they see fit Clearly in Violation of all established Laws.

I look forward to hearing From you shortly, and thank you for your time and assistance.

RESPECTFULLY

MICHAEL-TONY VELER

C.C.: MTU/FILE

ENCLS.

Michael J. Jones
EXHIBIT I-1

18 MARCH 2022

MICHAEL-TONY VELEZ

03 A 6481

P.O. Box 2001

DANNEMORA, N.Y. 12929

Hon. CHIEF CLERK

CLERKS OFFICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

U.S. COURTHOUSE - 500 PEARL STREET

NEW YORK, NEW YORK 10007-1312

RE: 42 USCA §1983 / §1985

Dear Ms/Mr.:

Enclosed please find the following documents
For Filing with the Court:

- 1) Prisoner Authorization;
- 2) Declaration In Support Of Request To Proceed In
Forma Pauperis;
- 3) Complaint With Jury Trial Demand;
- 4) Itemized Listing of Exhibits A TO I
- 5) Exhibits A TO I, 78 pages total

I ask that you please file the above on my behalf.

RESPECTFULLY

Michael-Tony Velez
MICHAEL-TONY VELEZ

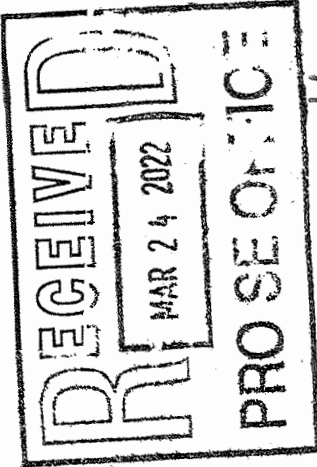
C.C.I.MTV/FILE
ENCLS.

MICHAEL VÉLE. 03A6481
CLINTON CORRECTIONAL FACILITY
P.O. Box 2001
DANNEMORA, NEW YORK 12929

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Clinton
★
Correctional Facility

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HON. CHIEF CLERK

CLERKS OFFICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
U.S. COURT HOUSE - 500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

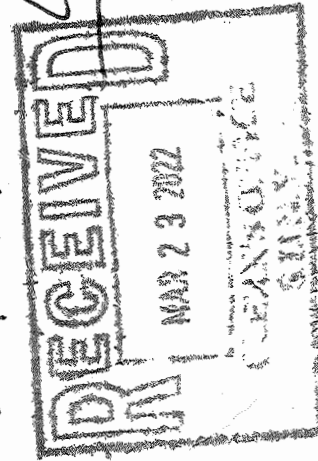
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STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY
SUPERVISION INMATE CORRESPONDENCE PROGRAM

MICHAEL VÉLFZ
03A6481

